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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 22nd May, 1962 :—

Issue No.	No. and Date	Issued by	Subject
207	S.O. 1537, dated 14th May, 1962.	Ministry of Law.	Declaration containing the names of the candidates elected in the Constituencies referred to therein.
208	S.O. 1538, dated 22nd May, 1962.	Ministry of Information & Broad casting.	Approval of film specified therein.

Copies of the Gazettes Extraordinary mentioned above, will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 3rd May 1962

S.O. 1624.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly

become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Traloknath Ramjeeewan Bhargav, Renbasera No. 11, Manoramaganj, Main Road, Indore.	Indore

[No. MP-P/31/62(3).]

New Delhi, the 5th May 1962

S.O. 1625.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any accounts* of their election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Bagala Prasad Mondal, Village and P.O. Arrah, P. S. Chhatna, District Bankura, West Bengal.	Vishnupur.
Shri Satish Saha Show-Mondal, Village Satmouli, P.O. Sabrakone, District Bankura, West Bengal.	Vishnupur.

[No. WB-P/30/62(2).]

S.O. 1626.—In pursuance of sub-rule (6) of rule 89, of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962, have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any accounts* of their election expenses and will accordingly become subject to the disqualification under clause (c) of

section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency.
1	2
Shri Nazir Ahmad, Vill. Kumari-pur, Salempur, P.O. Kumari-pur, Distt. Purnea, Bihar.	Katihar.
Shri Punyanand Jha, Village and P.O. Jahanpur, Dist., Purnea, Bihar.	Katihar.

[No. BR-P/23/62(11).]

S.O. 1627.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Election Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962, have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any accounts of their election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on expiration of two months from the date of the said decision.

SCHEDULE.

Names of contesting candidates	Name of constituency
1	2
Shri Bishwanath Mishra, Vill. Ramai, P.O. Khabaspur Dist. Purnea, Bihar.	Kishanganj.
Shri Mahboor Rahman, Jahangir Press, P.O. Kishanganj, Dist., Purnea, Bihar.	Kishanganj.

[No. BR-P/21/62(9).]

New Delhi, the 7th May, 1962

S.O. 1638.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Baldeo Paswan, At—Kakan. P.O. Manjhbe, District Monghyr, Bihar.	Jamui.

[No. BR-P/30/62(13).]

S.O. 1629.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account of his election expenses* and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People, Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Debi Soren, Village Parana Dumka, P.O. Dumka, District Santhal Parganas.	Dumka.

[No. BR-P/26/62(12).]

New Delhi, the 22nd May 1962

S.O. 1630.—Whereas the election of Shri Rajendra Nath Barua as a member of the House of the People from the Jorhat constituency of that House, has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951 (43 of 1951) by Begum Mafida Ahmed, Jorhat, Assam;

And whereas the Election Commission has caused a copy of the petition to be published in an Official Gazette and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri R. Medhi, District and Sessions Judge, Upper Assam Districts, Jorhat, as the member of the Election Tribunal for the trial of the said petition and Jorhat as the place where the trial of the petition shall be held.

[No. 82/52/62.]

S.O. 1631.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge his accounts of election expenses within the time required by law* and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Padarath Singh, V. Marwatpur, P.O. Chanda, District Gaya, Bihar.	Aurangabad.

[No. BR-P/40/62(21).]

S.O. 1632.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of her election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shrimati Lalita Rajya Laxmi, At and P.O. Padma, District Hazaribagh, Bihar.	Aurangabad.

[No. BR-P/40/62(22).]

S.O. 1633.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Raghunandan Pd, Narain Sinha, Village Reotith, P.O. Reotith, P. S. Baikunthpur, District Saran, Bihar.	Kesaria

[No. BR-P/8/62(20).]

New Delhi, the 23rd May 1962

S.O. 1634.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge his accounts of election expenses in the manner* required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Rijhumal, House No. 304, Sujangarh P.O., Sujangarh, Rajasthan.	Nagaur

[No. RJ-P/22/62(7)/43053.]

New Delhi, the 26th May 1962

S.O. 1635.—Whereas the election of Shri Nagendra Prasad Yadav as a member of the House of the People from the Sitamarhi constituency of that House, has been called in question by an election petition presented under Part VI, of the Representation of the People Act, 1951, (43 of 1951), by Shri Yugal Kishore Sinha, son of Shri Sadhu Sharan Sinha, Village and P.O. Dumari, P.S. Majorganj, District Mazaffarpur;

And whereas the Election Commission has caused a copy of the petition to be published in an official gazette and has served a copy thereof by post on the respondent under sub-section (1) of section 86 of the Representation of the People Act, 1951, (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 36 and 88 of the said Act, the Election Commission hereby appoints Shri Sris Chandra Lala, District and Sessions Judge, Darbhanga District, as the member of the Election Tribunal for the trial of the said petition and Laheriasarai as the place where the trial of the petition shall be held.

[No. 82/83/62.]

By Order,

K. K. SETHI, Under Secy.

New Delhi, the 18th May 1962

S.O. 1636.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any account* of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Harihar Nagorao, At Village Brahmpuri Post Nanded	Latur

[No. MT-HP/39/62(1)/40435.]

New Delhi, the 19th May 1962

S.O. 1637.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961 the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, *failed to lodge any accounts* of their election expenses and will accordingly become subject to the disqualification under clause (c) of

section 7 of the Representation of the People Act, 1951 on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Sneha Kumar Chakma, Banamalipur, Thakurpalli Road, Agartala, Tripura.	Tripura West
Shri Narayan Chandra Dey, Village Fulkumary, P.O. Radhakishorepur, Tripura.	Tripura West

[No. TP-HP/1/62(1)/43190.]

S.O. 1638.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Sneha Kumar Chakma, Banamalipur, Thakurpalli Road, Agartala, Tripura.	Tripura East

[No. TP-HP/2/62(2)/43150.]

S.O. 1639.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Dori Lal, House No. 925, Block "E", Bapa Nagar, Karol Bagh, Delhi-5.	Karol Bagh

[No. DL-HP/4/62(1)/43155.]

S.O. 1640.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any accounts of their election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Prabhu Dayal, 1064/1065, Pana Paposlan, Narela, Delhi.	Outer Delhi.
Shri Paldev Singh, Village and Post Office Munirka, Delhi.	Outer Delhi.

[No. DL-HP/5/62(2)/43195.]

S.O. 1641.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri T. D. Balakrishnan, Oddar Street, Dowlatabad, Krishnagiri, Madras State.	Krishnagiri

[No. MD-HP/14/62/(1)/43258.]

S.O. 1642.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the

Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
1	2
Shri Mangala Ponnambalam, John's Corner, Palayamcottai.	No. 38 Tirunelveli

[No. MD/HP/38/62(2)/43244.]

New Delhi, the 23rd May 1962

S.O. 1643.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his accounts of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Arjuna Gounder, 57, Chavadi Street, Polur.	Tiruvannamalai

[No. MD/HP/8/62(3)/43284.]

By Order,
V. RAGHAVAN, Under Secy.

New Delhi, the 18th May 1962

S.O. 1644.—In exercise of the powers conferred by sub-section (1) of section 13-A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of West Bengal, hereby nominates Shri S. Dutt Mazumdar, I.A.S. as the Chief Electoral Officer for the State of West Bengal with effect from the date he takes over charge and until further orders.

[No. 154/13/62.]

By Order,
PRAKASH NARAIN, Secy.

New Delhi, the 23rd May 1962

S.O. 1645.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge the accounts of election expenses in the manner required by law and will accordingly become subject to the dis-

qualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency
1	2
Shri Basdeo, Village Bhaddion, Pandit Ka Purwa, P.O. Lal Bazar, District Pratappgarh.	Salon.
Shri Ram Dularey Singh, 287-Rail Bazar, Kanpur.	Salon.

[No. UP-HP/23/62(27).]

S.O. 1646.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Piarey Lal, V. & P.O. Raipur, District Meerut.	Hapur.

[No. UP-HP/80/62(21).]

S.O. 1647.—Whereas the election of Shri Joti Saroop as a member of the House of the People from the Hathras constituency of that House, has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951 (43 of 1951) by Shri Nardev, son of Shri Ghasi Ram, Village Rajpore, Post Office Brindaban, Mathura;

And whereas the Election Commission has caused a copy of the petition to be published in an Official Gazette and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri Shital Prasad Roy, District Judge, Aligarh, as the member of the Election Tribunal for the trial of the said petition and Aligarh as the place where the trial of the petition shall be held.

[No. 82/314/62.]

S.O. 1648.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any accounts of election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two

months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency
1	2
1. Shri Pirthi Singh, V. & P.O. Shikohpur, District Meerut.	Sardhana.
2. Shri Raj Singh, 30/17, Shaktinagar, Delhi.	Sardhana.
3. Shri Shri Nivas, V. & P.O. Dhikana, District Meerut.	Sardhana.

[No. UP-HP/82/62(22).]

S.O. 1649.—Whereas the election of Shri B. P. Maurya as a member of the House of the People from the Aligarh constituency of that House, has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951 (43 of 1951) by Shri Shiv Kumar, son of Shri Ram Chandra Singh, Madrak, Post Office Shahpur Madrak (U.P.);

And whereas the Election Commission has caused a copy of the petition to be published in an Official Gazette and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri Shital Prasad Roy, District Judge, Aligarh, as the member of the Election Tribunal for the trial of the said petition and Aligarh as the place where the trial of the petition shall be held.

[No. 82/117/62.]

S.O. 1650.—Whereas the election of Shri Bal Krishna Singh as a member of the House of the People from the Chandauli constituency of that House, has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951 (43 of 1951) by Shri Prabhu Narain Singh, son of Late Shri Pratap Narain Singh, resident of Ck. 62/77, Kashipura, Varanasi;

And whereas the Election Commission has caused a copy of the petition to be published in an Official Gazette and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri Malkhan Singh Sharma, Additional District Judge, Varanasi, as the member of the Election Tribunal for the trial of the said petition and Varanasi as the place where the trial of the petition shall be held.

[No. 82/221/62.]

S.O. 1651.—Whereas the election of Shri Ram Sewak Yadav as a member of the House of the People from the Bara Banki constituency of that House, has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951 (43 of 1951) by Shri Kidwai Husain Kamil, s/o Shri Imtiaz Ali, Village and P.O. Masauli, District Bara Banki;

And whereas the Election Commission has caused a copy of the petition to be published in an Official Gazette and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri Sudhi Bhushan Malik,

District Judge, Lucknow, as the member of the Election Tribunal for the trial of the said petition and Lucknow as the place where the trial of the petition shall be held

[No 82/74/62]

New Delhi, the 24th May 1962

S.O 1652—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No 346 of 1962, presented to the Commission on the 14th May, 1962, under section 81 of the said Act, by Shri Abdul Ghani, s/o Jiwan, village and Post Office Ghaseera, Tehsil Nuh, District Gurgaon, calling in question the election to the Council of States by the elected members of the Punjab Legislative constituency of that Assembly of S/S Anup Singh, village Kundli, P O Narela, Delhi, Chaman Lal, Village and Post Office Kherwan Tehsil Jagadhri District Ambala and Surjit Singh, village and Post Office Pharela, District Jullundur

Sd./- ABDUL GHANI

Attested

Sd/- K K SETHI, Under Secy,
Election Commission India

Presented to me by Shri Abdul Ghani, whose signature has been obtained in the margin and attested as having been signed before me this the fourteenth day of May, One Thousand Nine Hundred and Sixty two

Sd/- K K SETHI, Under Secy,
Election Commission India.

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI

In the matter of Election Petition No 346, of 1962

relating to the

Election held on 29th March, 1962, to the Council of States by elected members of the Punjab Legislative Assembly Constituency

Abdul Ghani son of Jiwan, resident of village and Post Office Ghaseera, Tehsil Nuh, District Gurgaon—*Petitioner*

Versus

- 1 Anup Singh, village Kundli, P O Narela, Delhi
- 2 Chaman Lal, village and Post Office Kherwan, Tehsil Jagadhri, District Ambala
- 3 Surjit Singh, Village and Post Office Pharela, District Jullundur.
- 4 Gopal Singh, 163, G T. Road, Jullundur
- 5 Harbans Singh, House No 2, Street 'C', Sector 4, Chandigarh
- 6 Harcharan Singh, Advocate, Bhatinda
- 7 Jagjit Singh c/o Communist Party Office, Jullundur City
- 8 Krishnamurthy, S c/o Partap Singh Thakran, Advocate, Civil Lines, Gurgaon.
- 9 Sohan Lal, House No 7-D, Sector 8-A, Chandigarh—*Respondents*

Election Petition U/s Sections 80 and 81 of the Representation of People Act, 1951 for declaring the election of Sh Anup Singh respondent No 1 or Sh Chaman Lal, respondent No 2 and S Surjit Singh, respondent No 3 as void and for further declaring the petitioner as duly elected member of the Council of States by the members of Legislative Assembly, Punjab

Respectfully sheweth—

That the petitioner is an elector in the Parliamentary Constituency of Gurgaon in the State of Punjab.

2 That the petitioner and respondents were the contesting candidates in the election to the Council of States by the elected members of the Legislative Assembly of Punjab which was held on 29th March, 1962.

3. That polling in this constituency took place on 29th of March, 1962, and the votes polled for each of the candidates were as follows in the first count:—

- (i) Anup Singh—36.
- (ii) Chaman Lal—35.
- (iii) Abdul Ghani—35.
- (iv) Surjit Singh—33.
- (v) Krishnamurthy. S.—4.
- (vi) Rejected as invalid—4.

4. That ultimately the Returning Officer after transferring the preferences to various candidates computed the result as follows:—

- | | |
|---------------------|-------|
| (i) Anup Singh. | 36·3 |
| (ii) Chaman Lal. | 36·51 |
| (iii) Surjit Singh. | 38·19 |
| (iv) Abdul Ghani. | 35 |

The Returning Officer thereupon declared Sarvshri Anup Singh, Chaman Lal and Surjit Singh as duly elected to the Council of States.

5. That the election of the respondents Nos. 2, 3, and 4 is void on the following

GROUND S:—

(i) That there are 90 members of the Punjab Legislative Assembly who belong to the Congress Party and the remaining 62, who are entitled to vote at the time of election belong to various Opposition parties, namely, Independent Progressive Party, Akali Party, Communist Party and Swatantra Party. The petitioner was put up jointly by the Opposition parties and he had the full support of the members of the Assembly belonging to Independent Progressive Party, Akali Party and the Communist Party in particular and the strength of these parties was to the tune of 50. So the chances of his success were very bright. Realising this situation, the respondents Nos. 1 to 3, Sarvshri Anup Singh, Chaman Lal (Congress candidates) and Surjit Singh (congress supported candidate) for the 3 Council of States Seats approached various voters of the opposition groups and tried to appeal to them on the grounds of religion to vote for any one of them and not to vote for the petitioner who is Muslim by faith. That on the morning of 29th March, 1962, a short time before the polling was to start, in the Committee room of the Assembly Chandigarh the three said respondents 1 to 3 met Sarvshri Har Kishan, Banwari Lal and Nihal Singh members of the Legislative Assembly and in the presence of Shri Ajit Kumar, and S. Tara Singh, M.L.A. in the lobby told them that there have been off and on cow slaughter on a large scale in the district of Gurgaon and the petitioner Shri Abdul Ghani former M.L.A., Punjab, had been responsible for it and he being a Muslim and they being Hindus of Hariana Prant, should refrain from voting for him and should vote for any of the said respondents in order to be true to their religion. Thus they made this appeal to the said electors to vote for any of the said respondents 1 to 3, and refrain from voting for Shri Abdul Ghani on the ground of his religion for the furtherance of prospects of their own election and for prejudicially affecting the election of (Shri Abul Ghani) the petitioner. The said Sarvshri Ajit Kumar and Tara Singh, M.L.As., immediately thereafter told their Secretary of the party S. Gurcharan Singh, M.L.A. that such kind of propaganda was being carried out against Shri Abdul Ghani. After the announcement of the result when the members of the Assembly came to know about the defeat of the petitioner by a very narrow margin, Shri Har Kishan and Shri Nihal Singh and Shri Banwari Lal, M.L.As. felt sorry at their conduct and approached their leader Ch. Devi Lal (Leader of the Opposition) in the presence of Ch. Kartar Singh, M.L.C. of Hoshiarpur and frankly confessed before him that under the influence of the appeal made by respondents 1 to 3, on the grounds of religion as stated above they could not maintain the party discipline and could not vote for the petitioner, but at the same time they were very sorry for this indiscipline and this act of theirs should be ignored. Thus they tendered their explanation for breach of the party discipline and pleaded for considering the chapter closed.

(ii) That the above allegation of an 'Appeal' on the grounds of religion also falls within the ambit of the corrupt practice of promoting or attempting to promote feelings of enmity or hatred between different classes of citizens of India on the grounds of religion by the respondents Nos. 1 to 3, for the furtherance of their election prospects and for prejudicially effecting the election of the petitioner.

(iii) That the respondents Nos. 1 to 3—the returned candidates are guilty of corrupt practices of undue influence, bribery and interference in the free exercise of the right to vote by the electors inasmuch as they obtained the power and patronage of the Chief Minister Shri Partap Singh Kairon who with the consent and active connivance of the returned candidates detailed high governmental official to aid and abet the commission of the aforesaid corrupt practices by the said returned candidates. S. Partap Singh Kairon is for his own reasons bitterly hostile and inimical to the petitioner for petitioner having opposed him and his policies and actions which according to the petitioner amounted to favouritism, corruption and nepotism while the petitioner was a member of Punjab Legislative Assembly and a member of the Congress party. The petitioner was in fact one of the leading members of a group of legislators who were opposed to the authoritarian, undemocratic and arbitrary methods and policies of the Chief Minister. The petitioner along with other legislators presented two charge-sheets against the said Chief Minister or to the Congress High Command. The first charge-sheet is dated 4th May, 1958, and is attached here as annexure* 'I'. The second one was submitted on in August, 1960, and is attached as annexure* 'II'. The notice appended to the first charge-sheet by Shri Shriram Narayan, the then General Secretary, All India Congress Committee is also attached as annexure* 'III'. That in so opposing the said Chief Minister, the petitioner incurred the wrath and anger of the said Chief Minister who even threatened to finish the petitioner by saying "Maulvi Teri Maut Aai Hol a" on the floor of the Punjab Vidhan Sabha.

That in furtherance of the aforesaid object of corrupting, bribing and interfering with the free exercise of right to vote, S. Partap Singh Kairon placed the services of S. Ujjagar Singh, S. P., C.I.D., at the disposal of Shri Surjit Singh respondent No. 3, and on 28th March, 1962, five legislators were summoned at Mount View Hotel, Chandigarh with the object of bribing and putting undue influence on them in order to coerce them into voting against the petitioner and in favour of Shri Surjit Singh respondent No. 3. This happened in the dining hall of the said Hotel where at that time Pandit Satara Lal and Seth Nand Shah Attewala also happened to be taking their dinner. Pandit Satara Lal and Seth Nand Shah from amongst these legislators knew only S. Kultar Singh, M.L.A. At this meeting S. Ujjagar Singh, S.P. C.I.D., conveyed to these legislators the keen desire of the Chief Minister in the defeat of the petitioner. S. Ujjagar Singh also mentioned that the legislators who would support the petitioner are likely to incur the wrath of the Chief Minister who was powerful enough to have his own way. S. Surjit Singh respondent No. 3, however stated that he was financially in a position to handsomely compensate with money those voters who would vote for him. S. Kultar Singh did not like to accept the offer of money though promised to abide by the directions of the Chief Minister. On 29th March, 1962, in the evening after the poll and declaration of result, the respondent No. 3, visited the room of Shri Kultar Singh, at M.L.A.'s Hostel, Chandigarh and thanked Shri Kultar Singh for his having voted for him and after placing a bundle of currency notes amounting to Rs. 4,900 left the room. S. Kultar Singh who was completely upset at the action of respondent No. 3, immediately approached S. Gurcharan Singh, M.L.A. Secretary to the Akali Group in the Punjab Vidhan Sabha and Shri Ajit Kumar, M.L.A., whip of the said group and after narrating the whole incident deposited the money with the Secretary with a desire that the same be returned to S. Surjit Singh with the sanction of the Akali Assembly party.

(iv) That the returned candidates and their agents and supporters both political and personal with the consent of the returned candidates are guilty of having committed the corrupt of bribery, by offering gratification and promises to the voters to vote for them and of making systematic appeal to vote in their favour and refrain from voting in favour of the petitioner on grounds of religions and by obtaining assistance for the furtherance of the prospects of their elections from persons in the service of Government including Gazetted, police and other officers and by exercising undue influence with the object of interfering with the free exercise of electoral right.

(v) That in fact the petitioner obtained 38, first preference votes and thus was entitled to be declared as elected member of the Council of States in the first count, but the Returning Officer without satisfying the petitioner improperly rejected 3, votes polled in his favour as invalid and thus turned his success into defeat. The petitioner sent a telegram to the Election Commissioner, New Delhi protesting against this highhandedness of the Returning Officer which is attached herewith as Annexure* 'IV'. All the three electors had unmistakably expressed their intention in favour of the petitioner and they had not expressed their 2nd

or third preference in favour of any other candidates in any manner whatsoever. Under these circumstances, even if these electors had not meticulously adhered to the instructions for putting the mark in favour of the petitioner they had left no room in coming to the conclusion that they had cast their votes in favour of the petitioner. This improper rejection of valid votes by the Returning Officer has materially affected the result of the election, in so far as it concerns the returned candidates respondents 1 to 3. Because the addition of these 3 votes to the votes already polled in favour of the petitioner would have brought about clear declaration of success in favour of the petitioner.

(vi) That at least 3 invalid votes were improperly received by the Returning Officer in favour of respondents No. 1 and/or 2 in spite of best efforts and protests of the petitioner, neither the Returning Officer allowed the perusal of these votes by him, nor did he satisfy him about the validity of these votes. All these 3 votes were invalid and were liable to be rejected. Therefore the reception of these 3 invalid votes in favour of respondents 1 and 2 has materially affected the result of the election.

(vii) That the Returning Officer illegally issued a second ballot paper to Shmt. Parsini Devi elector in violation of the rules. Shmt. Parsini Devi had already been issued a ballot paper and which she had marked according to her own choice, or the ballot paper was not spoilt in such a condition that it could not conveniently be used as ballot paper. Therefore, this ballot paper could not be included in the count in favour of respondent 1 or 2 and should have been rejected. This non-compliance with the rules under the Representation of People Act, 1951, has materially affected the result of the election.

(viii) That if the Returning Officer had not improperly rejected the votes cast in favour of the petitioner and had not violated the provisions of this Act (Representation of People Act, 1951) and the rules made thereunder, then the petitioner was entitled to be declared elected. Thus improper rejection and improper reception of votes and non-compliance with the provisions of the Act, and the rules made thereunder has materially affected the result of the election.

(ix) That respondent No. 1 Shri Anup Singh was not an elector in any of the Parliamentary Constituencies of the Punjab State and thus was not qualified to be chosen to the Council of States under the Constitution and this Act (Representation of People Act, 1951), and, therefore, his nomination has been improperly accepted and this has materially affected the result of the election in so far as it concerns him.

6. That the petitioner has deposited the sum of Rs. 2,000 in the Treasury, Delhi and the Treasury Receipt (Challan) for the same is enclosed herewith.

7. That the petitioner prays for the following reliefs:—

(i) That as the petitioner has in fact received more valid votes either from respondent No. 1, Shri Anup Singh or Respondent No. 2, Shri Chaman Lal as the case may be, the election of any of the said respondents be declared void and the petitioner be declared elected in his place as member of the Council of States elected by the members of the Legislative Assembly Punjab.

(ii) That as respondent No. 1 Shri Anup Singh was not a voter in any Parliamentary Constituency in Punjab State, and thus was not qualified on the date of election to fill a seat in the Council of States under the Constitution or this Act, (Representation of People Act, 1951), and non-compliance with the provisions of the Constitution and the Act and the Rules made thereunder and the improper acceptance of his nomination paper have materially affected the result of the election in so far as it concerns the returned candidate Shri Anup Singh, respondent No. 1. Therefore, his election be declared void;

(iii) That as all the returned candidates, Shri Anup Singh, Shri Chaman Lal and Shri Surjit Singh, respondents 1 to 3, have committed the corrupt practices under section 123(3) and (3-A) as detailed in para 5 above, therefore, their election to the Council of States by the Elected members of the Legislative Assembly Punjab may be declared void and it is further prayed that the costs of this petition may be awarded in favour of the petitioner.

ABDUL GHANI,
Petitioner.

VERIFICATION

I, Abdul Ghani, the above named petitioner do hereby declare on solemn affirmation that the contents of paras 1 to 4 and sub-para (vi) and (vi) of para 5 and para 6 of the petition are true to the best of my knowledge and the rest of the paras and sub-paras are true to the best of my information and belief

Verified at Delhi, this 14th day of May, 1962

ABDUL GHANI,

Petitioner

[No 82/346/62]

New Delhi, the 25th May 1962

S.O. 1653.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No 345 of 1962, presented to the Commission on the 11th May, 1962, under section 81 of the said Act, by Shri Lachhman Singh, s/o S Bakhshi Singh, 12-13/C Rajauri Gardens, New Delhi, calling in question the election to the Council of States by elected members of the Punjab Legislative Assembly of S/S Anup Singh of village Kundli, P O Neral, Delhi, Shri Chaman Lal, village and Post Office Kharwan, Tehsil Jagadhri, District Ambala and Surjit Singh village & Post Office Pharala, District Jullundur

Attested
Sd/- K K SETHI, Under Secy
Election Commission India

Presented to me by Shri Ram Bheja Lal who has been duly authorised by the petitioner to present this petition and whose signature has been obtained in the margin and attested as having been signed before me this the eleventh of May one thousand nine hundred and sixty-two

Sd/- K K SETHI,
Under Secretary,
Election Commission, India.

Sd/- RAM BHEJA LAL.

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI

In the matter of Election Petition No 345 of 1962
relating to the

Election Held on 29th March 1962, to the Council of States by elected members of the Punjab Legislative Assembly Constituency

Shri Lachhman Singh M.L.A. son of S Bakhshi Singh 12 13/C, Rajauri Gardens, New Delhi Petitioner.

Versus

- 1 Shri Abdul Ghani son of Jwan resident of village and P O Ghasera, Tehsil Nuh, District Gurgaon
- 2 Anup Singh of village Kundli, P O Narela Delhi
- 3 Chaman Lal village and P O Kharwan, Tehsil Jagadhri District Ambala
- 4 Surjit Singh village and P O Pharala, District Jullundur
- 5 Shri Harcharan Singh, Advocate, Bhatinda
- 6 Shri Gopal Singh 163, G T Road, Jullundur
- 7 Shri Harbans Singh, House No 2, Street, C Sector 4 Chandigarh
- 8 Shri Jagjit Singh c/o Communist Party Office, Jullundur City
- 9 Shri Krishnamurthy, S c/o Shri Partap Singh Thakran, Advocate, Civil Lines, Gurgaon
- 10 Shri Sohan Lal, House No 7-D Sector 8-A, Chandigarh—Respondent

ELECTION PETITION U/Ss 80 and 81 of the Representation of Peoples Act, 1951, for declaring the election of Sh Anup Singh, respondent No 2, or Sh Chaman Lal respondent No 3, and Sh Surjit Singh respondent No 4, as void and for further declaring the respondent No 1 as duly elected member of the Council of States by the members of Legislative Assembly Punjab

Respectfully sheweth:—

1. That the petitioner is a member of the Legislative Assembly Punjab and has been entered as such in the list of members maintained by the Returning officer, u/s 152 of the Representation of People Act, 1951, and thus he is entitled to present this petition.

2. That the respondents were the contesting candidates.

3. That the polling in this Constituency took place on 29th March, 1962, and the votes polled for each of the candidates were as follows in the first count:—

- (i) Anup Singh—36.
- (ii) Chaman Lal—38.
- (iii) Abdul Ghani—35.
- (iv) Surjit Singh—33.
- (v) Krishnamurthy S.—4.
- (vi) Rejected as invalid—4.

4. That ultimately the Returning Officer after transferring the preferences to various candidates computed the result as follows:—

- (i) Anup Singh—36-3.
- (ii) Chaman Lal—36-31.
- (iii) Surjit Singh—38-19.
- (iv) Abdul Ghani—35.

The Returning Officer declared Sarvshri Anup Singh, Chaman Lal and Surjit Singh as duly elected to the Council of States.

5. That the election of the respondents Nos. 2, 3, and 4 is void on the following:—

GROUND:—

(i) That there are 90 members of the Punjab Legislative Assembly who belong to the Congress Party and the remaining 62, who are entitled to vote at the time of election belong to various opposition parties, namely, Independent Progressive Party, Akali Party, Communist Party and Swatantra Party. Shri Abdul Ghani respondent No. 1 was put up jointly by the Opposition parties and he had the full support of the members of the Assembly belonging to Independent Progressive Party, Akali Party and the Communist Party in particular and the strength of these parties was to the tune of 50. So the chances of his success were very bright. Realising this situation, the Respondent Nos. 2 to 4, Sarvshri Anup Singh, Chaman Lal and Surjit Singh (congress candidates) for the 3 Council of States Seats approached various voters of the opposition group and tried to appeal to them on the grounds of religion to vote for any one of them and not to vote for Shri Abdul Ghani respondent No 1, who happened to be a muslim, by faith. That on the morning of 29-3-62, a short time before the polling was to start, in the Committee room of the Assembly Chandigarh the three said respondents, 2, to 4, met Sarvshri Har Kishan, Banwari Lal and Nihal Singh members of the Legislative Assembly and in the presence of Shri Ajit Kumar and S. Tara Singh M.L.A. in the lobby told them that there have been off and on cow slaughter in a large scale in the district of Gurgaon and Shri Abdul Ghani former M.L.A. Punjab had been responsible for it and he being a muslim and they being Hindus of Hariana parant, should refrain from voting for him and should vote for any of the respondents in order to be true to their religion. Thus they made this appeal to the said electors to vote for any of the said respondents 2 to 4, and refrain from voting for Shri Abdul Ghani on the ground of his religion for the furtherance of prospects of their own election and for prejudicially affecting the election of Shri Abdul Ghani Respondent No 1. The said Sarvshri Ajit Kumar and Tara Singh M.L.A.s immediately there after told their Secretary of the party S. Gurcharan Singh M.L.A. told that such kind of propaganda was being carried out against Shri Abdul Gani. After the announcement of the result when the members of the Assembly came to know about the defeat of Shri Abdul Ghani by a very narrow margin, Shri Har Kishan and Shri Nihal Singh and Shri Banwari Lal M.L.A.s felt sorry at their conduct and approached their leader Ch. Devi Lal (Leader of the Opposition) in the presence of Ch. Kartar Singh M.L.C. of Hoshiarpur and frankly confessed before him that under the influence of the appeal made by respondents 2 to 4, on the grounds of religion as stated above, they could not maintain the party discipline and could not vote for Shri Abdul Ghani, but at the same time they were very sorry for this indiscipline and this act of theirs should be ignored. Thus they tendered

their explanation for breach of the party discipline and pleaded for considering the chapter closed.

(ii) That the above allegation of an 'Appeal' on the grounds of religion also falls within the ambit of the corrupt practice of promoting or attempting to promote feelings of enmity or hatred between different classes of citizens of India on the grounds of religion by the respondents Nos. 2 to 4 for the furtherance of their election prospects and for prejudicially affecting the election of Shri Abdul Ghani respondent No. 1.

(iii) That in fact Shri Abdul Ghani respondent No. 1 obtained 38 first preference votes and thus was entitled to be declared as elected member of the Council of States in the first count, but the Returning Officer, without satisfying Shri Abdul Ghani improperly rejected 3 votes polled in his favour as invalid and thus turned his success into defeat. Shri Abdul Ghani had sent a telegram to the Election Commissioner, New Delhi, protesting against this highhandedness of the Returning Officer. All the three electors had unmistakably expressed their intention in favour of Shri Abdul Ghani and they had not expressed their 2nd or third preference in favour of any other candidates in any manner whatsoever. Under these circumstances, even if these electors had not meticulously adhered to the instructions for putting the mark in in favour of Shri Abdul Ghani they had left no room in coming to the conclusion that they had cast their votes in favour of Shri Abdul Ghani. This improper rejection of valid votes by the Returning Officer has materially affected the result of the election, in so far as it concerns the returned candidates respondents 2 to 4 because the inclusion of these 3 votes must have resulted in the success of Shri Abdul Ghani respondent No. 1 in place of respondents 2 or 3 as the case may be.

(iv) That at least 3 invalid votes were improperly received by the Returning Officer in favour of respondent No. 2 and/or 3 inspite of best efforts and protests of Shri Abdul Ghani, neither the Returning Officer allowed the perusal of these votes by him, nor did he satisfy him about the validity of these votes. All these 3 votes were invalid and were liable to be rejected. Therefore, the reception of these 3 invalid votes in favour of respondent 2 and 3, has materially affected the result of the election in so far as it concerns the returned candidates—respondents Nos. 2 and 3.

(v) That the Returning Officer illegally issued a second ballot paper to Shmt. Parsini Devi elector in violation of the rules. Shmt. Parsini Devi had already been issued a ballot paper and which she had marked according to her own choice, or the ballot paper was not spoilt in such a condition that it could not conveniently be used as ballot paper. Therefore, this ballot paper could not be included in the count in favour of respondent 2 or 3 and should have been rejected. This non-compliance with the rules under the Representation of People Act, 1951, has materially affected the result of the election in so far as it concerns the returned candidates—respondents Nos. 2 or 3.

(vi) That if the Returning Officer had not improperly rejected the votes in favour of Respondent No. 1 Shri Abdul Ghani and had not violated the provisions of this Act (Representation of People Act, 1951) and the rules made thereunder, then the respondent No. 1 Shri Abdul Ghani must have declared elected in place of respondent No. 2 and/or 3 as the case may be. Thus improper rejection and improper reception of votes and non-compliance with the provisions of the said Act and the rules made thereunder has materially affected the result of the election in so far as it concerns the returned candidates respondents 2 and 3.

(vii) That respondent No. 2 Shri Anup Singh was not an elector in any of the Parliamentary Constituencies of the Punjab State and thus was not qualified to be chosen to the Council of States under the Constitution and this Act (Representation of Peoples Act, 1951) and, therefore, his nomination has been improperly accepted and this has materially affected the result of the election in so far as it concerns him.

6. That the petitioner has deposited the sum of Rs. 2000/- in the Treasury (State Bank of India) Chandigarh and the Treasury Receipt (Challan) for the same is enclosed herewith.

7. That the petitioner prays for the following reliefs.

(i) That as the respondent No. 1 Shri Abdul Ghani has in fact received more valid votes either from respondent No. 2, Shri Anup Singh or Respondent No. 3, Shri Chaman Lal, as the case may be, the election of any of the said respondents be declared void and Shri Abdul Ghani respondent No. 1 be declared elected in his place as member of the Council of States elected by the members of the Legislative Assembly.

(ii) That as respondent No. 2, Shri Anup Singh, was not a voter in any parliamentary constituency in Punjab State, and thus was not qualified on the date of election to fill a seat in the Council of States under the Constitution or this Act (Representation of People Act 1951) and non-compliance with the provisions of the Constitution and the Act and the Rules made thereunder and the improper acceptance of his nomination paper have materially affected the result of the election in so far as it concerns the returned candidate Shri Anup Singh, respondent No. 2. Therefore, his election be declared void;

(iii) That as all the returned candidates, Shri Anup Singh, Shri Chaman Lal and Shri Surjit Singh, respondents 2 to 4, have committed the corrupt practices under section 123(3) and 3(A) as detailed in para 5 above, therefore, their election to the Council of States by the elected members of the Legislative Assembly Punjab may be declared void and it is further prayed that the costs of this petition may be awarded in favour of the petitioner.

LACHHMAN SINGH, M.L.A.,
Punjab—Petitioner.

VERIFICATION

I, Lachhman Singh, the above named petitioner do hereby declare on solemn affirmation that the contents of paras 1, 2, and 6 of the petition are true to the best of my knowledge and paras Nos. 3 to 5, are true to the best of my belief and information.

Verified at Chandigarh this, 10th day of May, 1962.

LACHHMAN SINGH, M.L.A.,
Punjab—Petitioner.

[No. 82/345/62.]

By Order,
C. B. LAL, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 25th May 1962

S.O. 1654.—In exercise of the powers conferred by entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify—

- (1) Maharajkumari S. S. Shalini Raje Maharaj Bhonsale.
- (2) Maharajkumari S. S. Vijaya Raje Maharaj Shitole and
- (3) Maharajkumari Urmila Raje Maharaj Puar,

sisters of His Highness the Maharaja Saheb of Dewas Senior for the purpose of that entry and directs that the exemption shall be valid in respect of one gun/rifle and one pistol/revolver each.

[No. 16/23/61-P.IV.]

S. K. SINGH, Under Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 18th May 1962

S.O. 1655.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President hereby makes the following rules further to amend the Fundamental Rules, namely:—

1. These rules may be called the Fundamental (Second Amendment) Rules, 1962.

2. In rule 9(25) of the Fundamental Rules, the following words shall be inserted at the end, namely:—

“and includes non-practising allowance granted to doctors in lieu of private practice.”

[No F.2(21)-E.III/62.]

V. K. SUBRAMANIAN, Under Secy.

(Department of Economic Affairs)**INSURANCE***New Delhi, the 21st May 1962*

S.O. 1656.—In exercise of the powers conferred by the first proviso to section 2C of the Insurance Act, 1938 (IV of 1938), the Central Government is pleased to exempt the British Aviation Insurance Company Limited, an insurer constituted in the United Kingdom as a private company, from the operation of the said section for a further period of one year only from the 1st June, 1962 for the purpose of carrying on miscellaneous insurance business within the States.

[No. F. 51(29)-Ins(I)/60.]

S.O. 1657.—In exercise of the powers conferred by the first proviso to section 2C of the Insurance Act, 1938 (IV of 1938), the Central Government is pleased to exempt the Aviation and General Insurance Company Limited, an insurer constituted in the United Kingdom as a private company, from the operation of the said section for a further period of one year only from the 1st June, 1962 for the purpose of carrying on miscellaneous insurance business within the States.

[No. F. 51(29)-Ins(I)/60.]

P. GANGULEE, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 24th May, 1962.

S. O. 1658.—Statement of the Affairs of the Reserve Bank of India, as on the 18th May 1962

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	16,33,77,000
Reserve Fund	80,00,00,000	Rupee Coin	1,92,000
National Agricultural Credit (Long-term Operations) Fund	50,00,00,000	Subsidiary Coin	2,84,000
National Agricultural Credit (Stabilisation) Fund	6,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	70,21,56,000
Deposits :—			
(a) Government			
(1) Central Government	52,74,61,000	Balances held abroad*	6,23,31,000
(2) Other Governments	12,34,95,000	**Loans and Advances to Governments	117,38,05,000
(b) Banks	87,30,18,000	Other Loans and Advances†	129,13,96,000
(c) Others	149,90,14,000	Investments	180,97,46,000
Bills Payable	39,54,97,000	Other Assets	37,01,74,000
Other Liabilities	74,49,76,000		
RUPEES	557,34,61,000	RUPEES	557,34,61,000

*Includes Cash & Short-term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 6,92,50,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated the 23rd day of May 1962.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 18th day of May 1962

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	16,33,77,000		A. Gold Coin and Bullion :—		
Notes in circulation	2146,65,90,000		(a) Held in India	117,76,04,000	
Total Notes issued		2162,99,67,000	(b) Held outside India		
			Foreign Securities	101,50,07,000	
			TOTAL OF A		219,26,11,000
			B. Rupee Coin		114,36,78,000
			Government of India Rupee Securities		1829,36,78,000
			Internal Bills of Exchange and other commercial paper		
TOTAL LIABILITIES		2162,99,67,000	TOTAL ASSETS		2162,99,67,000

Dated the 23rd day of May, 1962.

A. BAKSI,
Joint Secretary to the Govt. of India.

P. C. BHATTACHARYYA, Governor

[No. F. 3(2)—BC/62.]

CENTRAL BOARD OF REVENUE**INCOME-TAX***New Delhi, the 23rd May 1962*

S.O. 1659.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961) and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that Shri R. Kothandaraman, a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of Uttar Pradesh.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax authority outside his jurisdictional area.

While performing the said functions the said Shri R. Kothandaraman shall be designated as the Commissioner of Income-tax, Uttar Pradesh with headquarters at Lucknow.

This Notification shall take effect from the 2nd May, 1962 (afternoon).

Explanatory note

NOTE.—The amendments have become necessary due to a change in incumbent of the Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 25 (F.No.55/1/62-IT.)]

D. V. JUNNARKAR, Under Secy.

OFFICE OF THE COLLECTOR OF CUSTOMS AND CENTRAL EXCISE,**COCHIN****CENTRAL EXCISES***Cochin, the 11th May 1962*

S.O. 1660.—In exercise of the powers conferred on me by Rule 233 read with Rule 51 of the Central Excise Rules 1944, and in supersession of my notification No. 1/62 dated 18th January 1962, I direct that every manufacturer of cosmetics and toilet preparations falling under item 14-F of the First Schedule to the Central Excises and Salt Act 1944 shall affix on each and every container of cosmetics and toilet preparations, a label showing the following particulars:—

(i) The number of the Central Excise licence in Form L.4;

(ii) The name of the manufacturer or the name of the owner in case the manufacturer himself is not the owner.

Specimen of every such label shall be lodged with the Superintendent of Central Excise having jurisdiction over the factory for his record before they are brought into use.

The instructions contained herein will come into force with effect from the 1st July, 1962.

[No. 3/62.]

A. K. BANDYOPADHAYAY, Collector.

CENTRAL EXCISE COLLECTORATE, NEW DELHI**CENTRAL EXCISES***New Delhi, the 24th May 1962*

S.O. 1661.—In exercise of the powers conferred under Rule 233 of the Central Excise Rules, 1944 and in supersession of Delhi Central Excise Collectorate Notification No. 1/1962, published as S.O. No. 333, in the Gazette of India, Part II, Sec-

tion 3, Sub-Section (ii), dated the 3rd February, 1962 on page 325, I order that with effect from the 1st July, 1962 all Cosmetics and Toilet Preparations falling under Item 14-F of the First Schedule to the Central Excises and Salt Act, 1944, shall bear the labels indicating:—

- (i) the number of the Central Excise Licence in Form L-4; and
- (ii) the name of the manufacturer or the name of the owner in case the manufacturer himself is not the owner.

A specimen of such labels, should be lodged with the Superintendent for his record before they are affixed to the products.

[No. 5/1962.]

CORRIGENDUM

New Delhi, the 22nd May 1962

S.O. 1662.—In the table annexed to this Collectorate Notification (Central Excises) issued under S.O. 1318 dated the 3rd June, 1961 published in part II, Section 3, Sub-Section (ii) of the Gazette of India dated 10th June, 1961, the following further amendment shall be made—

Delete the words “where the Licensing authority is other than a Superintendent, Central Excise, viz., Assistant Collector or Collector, the power under this Rule will be exercised by the Superintendent” appearing in Column 3, under Rule 47(3) against the powers of Licensing authority in the said Notification.

[No. C.IV(8)2/60.]

K. NARASIMHAN,
Collector of Central Excise, Delhi.

OFFICE OF THE SUPERINTENDENT OF CUSTOM AND CENTRAL EXCISE, VAPI (Distt. SURAT)

SHOW CAUSE NOTICES

Vapi, the 21st May 1962

S.O. 1663.—It is hereby notified for the information for the public that the marginally noted goods have been seized in the area between Patherpunja and Custom Chowkey No. 25, on Daman Frontier, on 23rd October 1961. As there is reason to believe that these goods were about to be exported in contravention of the provisions of the Land Custom Act 1924, Sea Custom Act, 1878 and Export Control Regulations. The goods remained unclaimed. Any person claiming these goods should submit his/her claim in writing to the Superintendent of Customs and Central Excise, Vapi (District Surat) within 30 days from the date of publication of this notice in the Gazette, failing which action as provided under the Law will be taken.

1. Carborator (made in U.S.A.)	1
2. Gasket set-engine MFRS	1
3. Repoults cables 100" each	2
4. Automobile parts	1
5. Automobile carbon brush set	2
6. Fiscan tape $\frac{3}{4} \times 10$ Yds.	2
7. Plastic tape (loose)	2
8. Road spring clips with nut and bolts	2
9. Chasis claims with nut and bolt	2
10. Spring hanger set with nut and bolt	2
11. Gress nipples (No. 1)	4
12. Gress nipples (No. 2)	8
13. Cooper clips	35
14. Cooper tubes (Copper)	1
15. Basket oak $\frac{3}{4} \times 15$	1
16. Cycle free wheel Trade mark 888, made in Japan	2
17. Cycle chain, made in China, Red Star.	1
18. Potatoes	seers 7
19. One old gunny bag	1

[No. VIII(b)15-252/61.]

S.O. 1664.—Whereas it appears that the marginally noted goods, which were unclaimed goods, were seized by the Customs Staff at Gholvad Railway Station (Western Railway) on 9th December 1961. The goods were imported from Daman by land in contravention of section 5(1) of the Land Custom Act, 1924, and Government of India, Ministry of Commerce and Industry, Import Control Order No. 17/55 of 7th December 1955 issued under the Imports Exports (Control) Act, 1947 and deemed to have been issued under section 19 of the Sea Custom Act, 1878. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Superintendent of Customs and Central Excise, Vapi, why the marginally mentioned goods should not be

1. Diamond brand refined camphor, Yung Zung Industrial Co. (H.K.) Ltd., 34 packets of one lb. each.
2. Cigarette tissue paper 'Lenil' (on the border shown 'Papiersagigarettes, Lenil Maison Fonpec, Joseph Bardoux fils, EN 1849, Gapnds Ppix Hops Concours, Membpe Dujupy, 138, Medaillesou-diplomes), each box having 100 small packets of tissue papers.
3. Two tin boxes containing above articles with one broken lock.

confiscated under section 5(3) of the Land Custom Act, 1924 and section 167(8) of the Sea Custom Act, 1878 read with section 3(2) of the Imports & Exports (Control) Act, 1947 and why a penalty should not be imposed on him/her under section 7(1)(c) of the Land Custom Act, 1924, read with section 167(8) of the Sea Custom Act, 1878.

If such an owner fails to turn up to claim the marginally mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government Gazette, the goods in question will be treated as unclaimed property and the case will be decided accordingly.

[No. VIII(b)15-279/61.]

K. M. SHAH,
Superintendent.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 22nd May, 1962.

S.O. 1665.—In exercise of the powers conferred by section 4, of the Coir Industry Act, 1953, (45 of 1953), read with sub-rule (1) of the rule 5, of the Coir Industry Rules, 1954, the Central Government hereby appoints Shri P. K. Dewar, Ernakulam as a Member of the Coir Board for the period beginning from the date of issue of this notification and ending on the 25th day of July, 1963, against the category of 'persons engaged in the production of husks, coir and coir yarn and in the manufacture of Coir products' vice Shri Alexander Paramblithara, Ernakulam who has since resigned.

[No. F. 42(2)/60-SSI(B).]

MELA RAM BHARDWAJ, Under Secy.

New Delhi, the 23rd May, 1962.

S.O. 1666.—In exercise of the powers conferred by section 20 of the Indian Standards Institution (Certification Marks) Act, 1952, (36 of 1952), the Central Government hereby makes the following rules to amend the Indian Standards Institution (Certification Marks) Rules, 1955, the same having been previously published as required by section (1) of the said section, namely:—

1. These rules may be called the Indian Standards Institution (Certification Marks) Amendment Rules, 1962.

2. In the Indian Standards Institution (Certification Marks) Rules, 1955, for rule 3, the following rule shall be substituted, namely:—

"3. *Establishment and publication of Indian Standards and recognition of other standards as Indian Standards.*

(1) The Institution shall by means of regulations lay down the procedure to be followed by it—

(a) in establishing the Indian Standards, and in recognising any standard established by any organisation other than the Indian Standards Institution as Indian Standard, in relation to any article or process, and

(b) from time to time, in adding to, amending, varying or rescinding any Indian Standard so established or recognised;

Provided that any Indian Standard established by the Institution at any time before the date on which the regulations come into force, shall be deemed to have been established under the provisions of these rules.

- (2) A list of the Indian Standards established by the Institution at any time before the commencement of the regulations shall be published in the Official Gazette as soon as may be, after such commencement and thereafter, a list of Indian Standards established by the Institution and a list of standards recognised by the Institution as Indian Standards, during any quarter, shall be published in the quarter immediately following the quarter to which the list relates.
- (3) Indian Standards established by the Institution shall, from time to time, be published by the Institution and copies thereof shall be made available for sale. Copies of standards recognised by the Institution as Indian Standards shall also be made available for sale".

[No. 23 (81)-TMP/61.]

J. C. ELING, Under Secy.

New Delhi, the 23rd May 1962

S.O. 1667.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Cotton Control Order, 1955, namely:—

1. This Order may be called the Cotton Control (Amendment) Order, 1962.
2. In the Cotton Control Order, 1955 (hereinafter referred to as the said order), in clause 5,—
 - (a) after sub-clause (1), the following proviso shall be inserted namely:—
 "Provided that where a manufacturer has already entered into any contract for the purchase of a quantity of cotton in excess of the maximum quantity specified or a quantity in excess of the maximum quantity specified against any description of cotton, he shall either cancel or settle all outstanding contracts in respect of such excess at a price not exceeding the ceiling price or sell and deliver the excess quantity involved to a person nominated by the Textile Commissioner at such prices and on such conditions as may be specified."
 - (b) in sub-clause (2), for the words "in Pakistan", the words "in other countries" shall be substituted.
3. In clause 6 of the said Order, for the words "six months", the words "three months" shall be substituted.
4. In clause 19 of the said Order, after the words "submit to the Textile Commissioner", the words "or any officer specified by him in this behalf" shall be inserted.

[No. 24(1)-Tex(A)/62.]

S. VOHRA, Jt. Secy.

New Delhi, the 25th May 1962

S.O. 1668.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), by The Kaiserganj Beopar Company Limited, Meerut, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Company for a further period of 3 years from the 13th June, 1962 upto the 12th June, 1965 both days inclusive, in respect of forward contracts in gur.

2. The recognition hereby granted is subject to the condition that the said Company shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(7)-TMP/FMC/62.]

T. S. KUNCHITHAPATHAM, Under Secy.

New Delhi, the 25th May 1962

S.O. 1669.—In exercise of the powers conferred by sub-section (i) of section 3 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956), the Central Government hereby directs that the description of the village industry "Cottage industry of lime stone and its products" in the Schedule to that Act shall be altered to "Lime Manufacturing Industry."

[No. 4(7)/62-K.V.E.]

A. VISVANATH, Dy. Secy.

RUBBER CONTROL.

New Delhi, the 28th May, 1962.

S.O. 1670.—The Central Government hereby notifies that Sarvashri Mathew Maniyangadan and A. V. Raghavan, Members of Parliament, have been elected by the Lok Sabha as members of the Rubber Board under clause (e) of sub-section (3) of section 4 of the Rubber Act, 1947 (24 of 1947) for a period of three years with effect from the 28th May, 1962, or for so long as they continue to be Members of the Lok Sabha, whichever is earlier.

[No. F. 15(3)Plant(B)/62.]

B. KRISHNAMURTHY, Under Secy.

New Delhi, the 29th May 1962

S.O. 1671.—In exercise of the powers conferred by section 11 of the Indian Power Alcohol Act, 1948 (22 of 1948), the Central Government hereby makes the following amendment in the Notification of the Government of India, Ministry of Commerce and Industry S.O. 1201 dated the 21st April, 1962, namely:—

In the said Notification, for the words, "Union Territory of Delhi" the words, "States of Punjab and Uttar Pradesh and the Union Territory of Delhi" shall be substituted.

[No. 34(6)/62-Ch.II.]

N. R. REDDY, Dy. Secy.

EXPORT TRADE CONTROL

New Delhi, the 2nd June, 1962.

S.O. 1672.—In exercise of the powers conferred by sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following amendment in the Notification, published by the Government of India in the Ministry of Commerce and Industry No. S.O. 245, dated the 20th January, 1962, namely:—

After item 39 of the said Notification, the following shall be added:—

"40. Coir strings (i.e. coir yarn) in limited quantities i.e. not exceeding one quintal by one trader at a time."

[No. 15/4/61-EI/AM/1.]

M. H. SIDDIQI, Under Secy.




(INDIAN STANDARD INSTITUTION)

New Delhi, the 24th May 1962

S.O. 1673—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the rules and regulations framed there under, shall come into force with effect from 15th June 1962.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
I	IS: 277	Galvanized Steel Sheets (Plain and Corrugated)	IS: 277-1951 Specification for Galvanized Steel Sheets (Plain and Corrugated) (<i>Tentative</i>)	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on top side of the monogram and the relevant grades designation being subscribed under the bottom side of the monogram as indicated in the designs.
				
	1			
				
	2			
				
	3			

[No. MD/17:2]

C. N. MODAWAL,
Head of the Certification Marks Division.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

LIGHTHOUSES AND LIGHTSHIPS

New Delhi, the 23rd May 1962

S.O. 1674—In pursuance of sub-section (1) of section 4 of the Indian Lighthouse Act, 1927 (17 of 1927), the Central Government is pleased to appoint a Central Advisory Committee for Lighthouses for a period of two years from the date of this Notification, consisting of the following persons, namely:—

Chairman

Secretary to the Government of India, Department of Transport, Ministry of Transport & Communications (*ex-officio*) or an officer deputed by him to act as Chairman on his behalf;

Members

1. Director General of Shipping, Bombay (*ex-officio*);
2. Nautical Adviser to the Government of India (*ex-officio*);
3. Financial Adviser (Transport & Communications) or his representative (*ex-officio*);
4. Chief Hydrographer, Indian Navy (*ex-officio*);
5. Deputy Secretary in charge of the Department of Lighthouses & Lightships, Ministry of Transport & Communications, Department of Transport (*ex-officio*);
6. Shri H. M. Desai, Manager, Scindia Steam Navigation Co. Ltd., Scindia House, Dougall Road, Ballard Estate, Bombay;
7. Shri B. T. Tyrrell, C/o M/s. Everett Steamship Corporation, P.O. Box 679, Prem House, 'C' Block, Connaught Place, New Delhi;
8. Shri T. M. Goculdas, C/o Scindia Steam Navigation Co. Ltd., Ballard Estate, Fort, Bombay;
9. Captain G. H. Nock, C/o M/s. India Steamship Company Ltd., India Steamship House, 21, Old Court House Street, Calcutta-1;
10. Shri C. P. Srivastava, Managing Director, Shipping Corporation of India, Steelcrete House, Dinshaw Wacha Road, Bombay-1;
11. Shri I. G. Desai, M.L.A., Kala Mehta Street, Sagrapura, Surat;
12. Shri C. R. Corera, Managing Partner, C. R. Corera and Bros., Emperor Street, Tuticorin;
13. Director General of Lighthouses & Lightships (*ex-officio*)—*Member-Secretary*.

[No. 4-M.L.(3)/61.]

New Delhi, the 28th May, 1962

S.O. 1675.—In exercise of the powers conferred by sub-sections (1) and (2) of section 4 of the Merchant Shipping Act, 1958, (44 of 1958), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Transport and Communications (Department of Transport) No. S.O. 946, dated the 24th April, 1961, namely:—

In the said notification, for the entries relating to serial numbers 1 to 4, the following shall be substituted, namely:—

- | | | |
|---|---|--------------------------------------|
| <ol style="list-style-type: none"> 1. Shri Basanta Kumar Das. 2. Shri Indrajit Gupta. 3. Shrimati Sharda Mukerjee. 4. Shri Raghunath Singh. | } | Elected by the House of the People." |
|---|---|--------------------------------------|

[No. 37-MD(9)/60.]

B. P. SRIVASTAVA, Dy. Secy.

(Departments of Communications & Civil Aviation)*New Delhi, the 23rd May 1962*

S.O. 1676.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Air Corporations (Amendment) Act, 1962 (17 of 1962), the Central Government hereby specifies the 8th day of June, 1962, as the date with effect from which the Corporation established under section 3 of the Air Corporations Act, 1953 (27 of 1953), known as "Air-India International" shall be renamed as "Air-India".

[No. 7-CA(21)/62.]

K. GOPALAKRISHNAN, Dy. Secy.

Indian Posts and Telegraphs Department**(Office of the Director General of Posts and Telegraphs)***New Delhi, the 2nd June 1962*

S.O. 1677.—In exercise of the powers conferred by sub-section (1) of section 7 of the Telegraph Wires (Unlawful Possession) Act 1950 (74 of 1950) and in continuation of the notification of the Government of India in the Ministry of

Transport and Communications (Posts and Telegraphs) No. G.S.R. 1512 dated 24th December 1960, the Central Government hereby specially empowers each of the Officers specified in the Schedule below to make complaints in respect of offences punishable under the said Act.

SCHEDULE

Name of State & designation of the officer		Headquarter of the officer
I		2
PUNJAB STATE		
1.	Inspector of Police	Delhi.
2.	Do.	Chandigarh (Ambala).
3.	Do.	Railway Ambala Cantt.
4.	Do.	Jullundur City.
5.	Do.	Ferozepore City.
6.	Do.	Muktsar (Ferozepore).
7.	Do.	'E' Division (Amritsar).
8.	Do.	Civil Lines (Amritsar).
9.	Do.	Patiala Kotwali.
10.	Do.	Nabha Kotwali (Patiala).
11.	Do.	Kotwali Bhatinda.
12.	Sub-Inspector of Police	City Hissar.
13.	Do.	Sadar Hissar.
14.	Do.	Barwala (Hissar)
15.	Do.	Tohana Do.
16.	Do.	Hansi Do.
17.	Do.	Narnaund Do.
18.	Do.	City Bhiwani Do.
19.	Do.	Sadar Bhiwani Do.
20.	Do.	Tosham Do.
21.	Do.	Siwani Do.
22.	Do.	Laharu Do.
23.	Do.	Fatahabad Do.
24.	Do.	Rattia Do.
25.	Do.	Bahuna Do.
26.	Do.	City Sirsa Do.
27.	Do.	Sadar Sirsa Do.
28.	Do.	Rania Do.
29.	Do.	Baragudha Do.
30.	Do.	Dabwali Do.
31.	Do.	Railway Hissar
32.	Do.	City Rohtak (Rohtak)
33.	Do.	Sadar Rohtak
34.	Do.	Kalanaur Do.
35.	Do.	Sampla Do.
36.	Do.	Jhajjar Do.
37.	Do.	B-Garh Do.
38.	Do.	Beri Do.
39.	Do.	Sahilawas Do.
40.	Do.	Sonepat Do.
41.	Do.	Ganaur Do.
42.	Do.	Rai Do.
43.	Do.	Gohana Do.
44.	Do.	Meham Do.
45.	Do.	Baroda Rohtak
46.	Do.	City Rewari (Gurgaon)
47.	Do.	Sadar Rewari Do.
48.	Do.	Khol Do.
49.	Do.	Jatusana Do.
50.	Do.	Sadar Gurgaon Do.
51.	Do.	Farrukh Nagar Do.
52.	Do.	Sohana Do.
53.	Do.	Ballabgarh Do.

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54.	Sub-Inspector of Police	Faridabad (Gurgaon)
55.	Do.	Chhansa Do.
56.	Do.	Palwal Do.
57.	Do.	Hassanpur Do.
58.	Do.	Ferozepore Jhirka (Gurgaon)
59.	Do.	Punahana (Gurgaon)
60.	Do.	Nuh Do.
61.	Do.	Taoru Do.
62.	Do.	Hathin Do.
63.	Do.	Pataudi Do.
64.	Do.	Bawal Do.
65.	Do.	Rly. Rewari Do.
66.	Do.	Sadar Karnal (Karnal)
67.	Do.	Karnal.
68.	Do.	Gharaunda (Karnal)
69.	Do.	Indri Do.
70.	Do.	Butana Do.
71.	Do.	Nissang Do.
72.	Do.	Sadar Panipat Do.
73.	Do.	City Panipat Do.
74.	Do.	Samalkha Do.
75.	Do.	Urlana Do.
76.	Do.	Thanesar Do.
77.	Do.	Shahabad Do.
78.	Do.	Ladwa Do.
79.	Do.	Radaur Do.
80.	Do.	Thaaka Do.
81.	Do.	Kaithal Do.
82.	Do.	Guhla Do.
83.	Do.	Pehowa Do.
84.	Do.	Rajaund Do.
85.	Do.	Assaundh Do.
86.	Do.	Pundri Do.
87.	Do.	Karnal.
88.	Do.	Ambala Cantt. (Ambala)
89.	Do.	Ambala
90.	Do.	Ambala Sadar (Ambala)
91.	Do.	Kullana Do.
92.	Do.	Jagadhri Do.
93.	Do.	Yamunanagar Do.
94.	Do.	Chhappar Do.
95.	Do.	Bilaspur Do.
96.	Do.	Chhachhrauli Do.
97.	Do.	Raipur Do.
98.	Do.	Sadhaura Do.
99.	Do.	Naraingarh Do.
100.	Do.	Rupar Do.
101.	Do.	Morinda Do.
102.	Do.	Chamkaur Do.
103.	Do.	Nalagarh Do.
104.	Do.	Kharar Do.
105.	Do.	Mubarrakpur Do.
106.	Do.	Chandimandir Do.
107.	Do.	Kalka Do.
108.	Do.	Pinjore Do.
109.	Do.	Railway Kalka (Simla)
110.	Do.	Sadar Simla.
111.	Do.	East Simla.
112.	Do.	West Simla.
113.	Do.	Kandaghat (Simla)
114.	Do.	Dharampur Do.
115.	Do.	Kasauli Do.
116.	Do.	Sairi Do.
117.	Do.	Dharamsala (Kangra)
118.	Do.	Shahpur (Kangra)
119.	Do.	Kangra

(1)	(2)
120. Sub-Inspector of Police	Nurpur (Kangra)
Do.	Indaura Do.
Do.	Haripur Do.
Do.	Jawalamukhi Do.
Do.	Hamirpur Do.
Do.	Barsar Do.
Do.	Palampur Do.
Do.	Sujanpur Do.
Do.	Kulu Do.
Do.	Suraj Do.
Do.	City Hoshiarpur
Do.	Hoshiarpur Sadar (Hoshiarpur)
Do.	Hariana (Hoshiarpur).
Do.	Dasuya (Hoshiarpur).
Do.	Tanda City (Hoshiarpur).
Do.	Mukerian Do.
Do.	Hajipur Do.
Do.	Una Do.
Do.	Amb Do.
Do.	Anandpur Do.
Do.	Nurpur Do.
Do.	Garshankar Do.
Do.	Mahilpur Do.
Do.	Balachaur Do.
Do.	Jullundur Cantt.
Do.	Jullundur Sadar.
Do.	Kartarpur (Jullundur)
Do.	Kartarpur Town Do.
Do.	Adampur Do.
Do.	Phillaur Do.
Do.	Nurmahal Do.
Do.	Nakodar Do.
Do.	Shahkot Do.
Do.	Banga Do.
Do.	Rahon Do.
Do.	Ludhiana City.
Do.	Ludhiana Sadar.
Do.	Shahnewal (Ludhiana)
Do.	Dehlon Do.
Do.	Dakha Do.
Do.	Sidhwan Bet Do.
Do.	Jagraon Do.
Do.	Rajkot Do.
Do.	Samrala Do.
Do.	Machhiwara Do.
Do.	Khanna Do.
Do.	Khamanon Do.
Do.	Ludhiana Railway
Do.	Keylong (Lahaul & Spiti)
Do.	Keza Do.
Do.	Ferozepore Sadar.
Do.	Mchna (Ferozepore)
Do.	Ferozepore Cantt.
Do.	Ghall Khurd (Ferozepore)
Do.	Memdot Do.
Do.	Zira Do.
Do.	Dharamkot Do.
Do.	Makhu Do.
Do.	Moga Do.
Do.	Malanwala Do.
Do.	Baghapurana Do.
Do.	Nihalsinghwala Do.
Do.	Jalalabad Do.
Do.	Kot Bhai Do.
Do.	Guru Har Shai Do.
Do.	Fazilka city Do.

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186.	Sub-Inspector of Police	Fazilka Sadar (Ferozepore)
187.	Do.	Malout Do.
188.	Do.	Lambi Do.
189.	Do.	Abohar Do.
190.	Do.	Khuyan Sarwar Do.
191.	Do.	'A' Division (Amritsar).
192.	Do.	'B' Division Do.
193.	Do.	'C' Division Do.
194.	Do.	'D' Division Do.
195.	Do.	Sadar Amritsar
196.	Do.	Beas Do.
197.	Do.	Jandiala Do.
198.	Do.	Kathunangal Do.
199.	Do.	Majitha Do.
200.	Do.	Taran Tarn city (Amritsar).
201.	Do.	Sirhali Do.
202.	Do.	Verowal Do.
203.	Do.	Gharinda Do.
204.	Do.	Jhabal Do.
205.	Do.	Tarn Taran Sadar Do.
206.	Do.	Ajnala (Amritsar)
207.	Do.	Ramdas Do.
208.	Do.	Lopoke Do.
209.	Do.	Valtoha Do.
210.	Do.	Patti Do.
211.	Do.	Bhikhiwind Do.
212.	Do.	Khalra Do.
213.	Do.	Amritsar Railway.
214.	Do.	Sadar Gurdaspur.
215.	Do.	Kahnuwan (Gurdaspur).
216.	Do.	Dinanagar Do.
217.	Do.	Kalanaur Do.
218.	Do.	Dhariwal Do.
219.	Do.	Pathankot Do.
220.	Do.	Narto Jaimal Singh (Gurda
221.	Do.	Dalhousie (Gurdaspur)
222.	Do.	Batala Sadar Do.
223.	Do.	Derababa Nanak Do.
224.	Do.	Fatchgarh Churian Do.
225.	Do.	Shri Hargobindpur Do.
226.	Do.	Pathankot Railway Do.
227.	Do.	Civil Lines (Patiala).
228.	Do.	Patiala Sadar
229.	Do.	Jalkan Do.
230.	Do.	Samana Do.
231.	Do.	Ghagga Do.
232.	Do.	Nabha Sadar Do.
233.	Do.	Bhadson Do.
234.	Do.	Rajpura Do.
235.	Do.	Ghanaur Do.
236.	Do.	Banur Do.
237.	Do.	Dera Bassi Do.
238.	Do.	Lalru Do.
239.	Do.	Bassi Do.
240.	Do.	Sirhind Do.
241.	Do.	Payal Do.
242.	Do.	Mulepure Do.
243.	Do.	Amloh Do.
244.	Do.	Sangrur Do.
245.	Do.	Bhawangarh (Sangrur)
246.	Do.	Dirbha Do.
247.	Do.	Sunam Do.
248.	Do.	Moonak Do.
249.	Do.	Lehra Do.

1

2

250.	Sub-Inspector of Police	Jind (Sangrur)
251.	Do.	Longowal Do.
252.	Do.	Safidon Do.
253.	Do.	Jullana Do.
254.	Do.	Narwana Do.
255.	Do.	Kalayat Do.
256.	Do.	Banala Do.
257.	Do.	Dhanauli Do.
258.	Do.	Mehal Kalan Do.
259.	Do.	Sehna Do.
260.	Do.	Bhadsaur Do.
261.	Do.	Malerkotla Do.
262.	Do.	Dhuri Do.
263.	Do.	Sherpur Do.
264.	Do.	Amargarh Do.
265.	Do.	Ahmedgarh Do.
266.	Do.	Sangrur Railway Do.
267.	Do.	Railway Jind Do.
268.	Do.	Nehianwala (Bhatinda)
269.	Do.	Kotfatta Do.
270.	Do.	Maur Do.
271.	Do.	Sangat Do.
272.	Do.	Raman Do.
273.	Do.	Faridkot city Do.
274.	Do.	Faridkot Sadar Do.
275.	Do.	Kothapura Do.
276.	Do.	Jaitu Do.
277.	Do.	Nathanan Do.
278.	Do.	Mansa Do.
279.	Do.	Boha Do.
280.	Do.	Budhlada Do.
281.	Do.	Bhikhi Do.
282.	Do.	Sardulgarh Do.
283.	Do.	Baretta (Bhatinda)
284.	Do.	Phul Do.
285.	Do.	Dayalpura Do.
286.	Do.	Balianwala Do.
287.	Do.	Railway Bhatinda Do.
288.	Do.	Kapurthala city,
289.	Do.	Sadar Kapurthala
290.	Do.	Dhilwan (Kapurthala)
291.	Do.	Bholanath Do.
292.	Do.	Phagwara Do.
293.	Do.	Sultanpur Do.
294.	Do.	Narnaul (Mahendragarh)
295.	Do.	Nagal Chaudhri Do.
296.	Do.	Atali Do.
297.	Do.	Mahendragarh
298.	Do.	Kaniana Do.
299.	Do.	Satnali Do.
300.	Do.	Dadri Do. ⁴
301.	Do.	Ferozepore Railway.

[No. 1-39/61-N.M.]

A. K. BANERJI,

Deputy Chief Engineer,
Posts and Telegraphs.

MINISTRY OF FOOD & AGRICULTURE**(Department of Agriculture)****(I.C.A.R.)***New Delhi, the 23rd May 1962*

S.O. 1678.—The Government of Madras having nominated Shri M. K. Mathi Gowder, Mathipalayam, Coimbatore District, as a member of the Indian Central Oilseeds Committee to represent the oilseeds growers of the State under sub-section (f) of Section 4 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), the Central Government hereby notifies that Shri Mathi Gowder shall be member of the said Committee for the period ending 31st March, 1965.

[No. 3-22/62-Com.II.]

New Delhi, the 25th May 1962

S.O. 1679.—In exercise of the powers conferred by sub-section (1) of section 7 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), the Central Government is pleased to appoint Shri A. D. Pandit, I.C.S., Special Secretary to the Government of India, Ministry of Food and Agriculture (Department of Agriculture) and Vice-President, Indian Council of Agricultural Research, as President of the Indian Central Oilseeds Committee, with effect from the 7th May, 1962 (forenoon), *vice* G. R. Kamat, I.C.S., resigned.

[No. 10-18(i)/62-Com II.]

S.O. 1680.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Indian Coconut Committee Act, 1944 (10 of 1944), the Central Government is pleased to appoint Shri A. D. Pandit, I.C.S., Special Secretary to the Government of India, Ministry of Food and Agriculture (Department of Agriculture) and Vice-President, Indian Council of Agricultural Research, as President of the Indian Central Coconut Committee, with effect from the 7th May, 1962 (forenoon) *vice* Shri G. R. Kamat, I.C.S., resigned.

[No. 10-18(ii)/62-Com II.]

SANTOKH SINGH, Under Secy.

(Department of Agriculture)**CORRIGENDUM***New Delhi, the 23rd May 1962*

S.O. 1681.—In the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) S.O. 1011, dated the 31st March, 1962, published on pages 931 to 934 of the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 7th April, 1962,

1. On page 933 in the table showing the characteristic of fruit products,—
 - (a) against fruit syrup in the first column, for '23' occurring in the third column "special characteristics—minimum percentage of fruit juice in the final product", *read* '25';
 - (b) in the first column, for "nector + other", *read* "nector other".
2. On page 934, in the second line in clause (f), for "046" *read* "0.46".

[No. F. 8-5/62-AM.]

V. S. NIGAM, Under Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY**(Department of Rehabilitation)****(Office of the Chief Settlement Commissioner)***New Delhi, the 24th May 1962*

S.O. 1682.—In exercise of the powers conferred by sub-section (4) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the Union Territory of Delhi, Shri N. P. Jaisinghani, Assistant Settlement Commissioner, in the office of the Regional Settlement

Commissioner, New Delhi as Authorised Deputy Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with effect from the date he took over charge of his office.

[No. 5(6)/ARG-62.]

New Delhi, the 26th May 1962

S.O. 1683.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri S. N. Bahl as Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 6/7/ARG/62.]

S.O. 1684.—In exercise of the powers conferred by clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954) the Central Government hereby appoints for the Union Territory of Delhi, Shri S. N. Bahl, Settlement Officer under the Regional Settlement Commissioner, New Delhi as Managing Officer for the custody, management and disposal of compensation pool with effect from the date he took over charge of his office.

[No. 6/7/ARG/62.]

S.O. —1685.—In exercise of the powers conferred by sub-section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the State of Punjab, Shri O. G. Adya, Deputy Secretary under the State Government of Punjab as Additional Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with effect from the date he took over charge of his office.

[No. 7(5)/ARG-62.]

KANWAR BAHADUR,

Settlement Commissioner (A) and
Ex-Officio Dy. Secy.

(Department of Rehabilitation)
(Office of the Chief Settlement Commissioner)

ORDER

New Delhi, the 24th May 1962

S.O. 1686.—In exercise of the powers conferred by sub-section (1) of Section 8 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), I, S. W. Shiveshwarkar, I.C.S., Chief Settlement Commissioner do hereby authorise Shri K. K. Verma, Assistant Settlement Officer, working under the Regional Settlement Commissioner, Rajasthan, Jaipur to make payment of Compensation to Displaced Persons out of the Compensation Pool by transfer of allotable property or otherwise in accordance with the provisions of the Displaced Persons (Compensation & Rehabilitation) Rules, 1955.

[No. 4(3)Comp. & Prop/62.]

S. W. SHIVESHWARKAR,
Chief Settlement Commissioner.

New Delhi, the 26th May 1962

S.O. 1687.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties in the state of U.P. specified in the enclosed Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is

notified that the Central Government has decided to acquire and hereby acquires the said evacuee properties (Specified in the enclosed schedule.)

List of Properties for acquisition

Sl. No.	Particulars of the Property	Name of the town and locality in which E.P. is situated	Name of the evacuee
1	2	3	4
1.	Property No. 35	Moh. Rangsaaz Meerut Cantt.	Sri Nasiruddin.
2.	Property No. 205 (Super structure)	Moh. Kothi Atanas Meerut	Sri Abdul Ghafoor s/o Jhan-gir Khan.
3.	Property No. 37 to 39	Moh. Guzri Bazar Meerut	Zamir Ahmad Khan s/o Bashir Ahmad Khan.
	„ 163 to 170	Sabur giran Meerut	„
	„ 66, 67, 167 to 172	Mashai Khan Meerut	„
	„ 19.	Kazi Wara Sardhana (Meerut)	„
	„ 13 to 16	Khairnagar Bazar Meerut	„
	„ 170	Mashai Khan Meerut	„

[No. 1 (1217)58/Comp. III/Prop.]

M. J. SRIVASTAVA,

Settlement Commissioner & Ex-Officio Under Secretary.

MINISTRY OF HEALTH

New Delhi, the 22nd May 1962

S.O. 1638.—In exercise of the powers conferred by section 16 of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (21 of 1954), the Central Government hereby makes the following rules to amend the Drugs and Magic Remedies (Objectionable Advertisements) Rules, 1955, published with the notification of the Central Government in the Ministry of Health No. S.R.O. 512, dated the 26th February, 1955, namely:

1. These rules may be called the Drugs and Magic Remedies (Objectionable Advertisements) Amendment Rules, 1962.

2. In the Drugs and Magic Remedies (Objectionable Advertisements) Rules 1955, rule 3 shall be omitted and rules 4 to 7 shall be renumbered as rules 3 to 6 respectively.

[No. F.8-12/60-D.]

New Delhi, the 24th May 1962

S.O. 1689.—The following draft of certain rules further to amend the Drugs Rules, 1945, which it is proposed to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs Act 1940 (23 of 1940), is published as required by the said sections for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 31st August, 1962.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendments

1. These rules may be called the Drugs (Amendment) Rules, 1962.

2. In the Drugs Rules, 1945, for the words "two years' experience" occurring in clause (a) of sub-rule (1) of rule 71 and clause (a) of sub-rule (1) of rule 76, the words "eighteen months' practical experience" shall be substituted.

[No. F. 1-14/60-D.]

A. C. RAY, Under Secy.

CORRIGENDUM

New Delhi, the 26th May 1962

SUBJECT:—Election of "Members of the Indian Nursing Council"

S.O. 1690.—In the notification of the Government of India in the Ministry of Health No. F.27-9/62-MII dated the 28th April, 1962 for the 1st paragraph, read "WHEREAS, Miss M. Korah, Superintendent, Lady Reading Health School, Delhi, has been elected to be a member of the Indian Nursing Council under clause (c) of sub-section (1) of section 3 of the Indian Nursing Council Act, 1947 (48 of 1947) vice Mrs. A. P. Chandy, Superintendent Princess Niloufer Training School for Health Visitors, Hyderabad;"

[No. F.27-9/62-MII.]

R. MURTHI, Under Secy.

MINISTRY OF IRRIGATION AND POWER

ORDER

New Delhi, the 22nd May 1962

S.O. 1691.—In exercise of the power conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 118(a),
- (ii) Rule 118(c),
- (iii) Rule 119(1)(a),
- (iv) Rule 50(1)(d) and
- (v) Rule 123(5)

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with one 3.3 K.V. Bucyrus Erie Model 40 R (Electric) Rotary Blast Hole Drill, serial No. 122825—

- One 200 amps, 3300 volts, M & C Switchgear Ltd., make oil circuit-breaker, serial No. B 16014. (Field switch).
- One length of 300 feet of type SHD, stranded copper conductor type individually screened, the three-power conductors insulated with special rubber compound, three ground conductor jute filled inner special rubber compound jacket, cord jacket, inter lock neoprene outer jacket, size 133/0.0148, 5000 volts grade cable.
- One 50 amps, 5200 volts, General Electric U.S.A., Co., make insulator, model 9F6DB1.
- One 400 amps, 3000 volts, Westinghouse make oil circuit-breaker, serial No. 36Y1223.
- One 150 H.P., 3300 volts, Westinghouse (Life line) make induction motor Serial No. IS61 for motor generator set.
- One 7.5 KVA, 3300/220 volts, General Electric make transformer, serial No. PV., for lighting and auxiliaries.

at the Thana Quarry of Bokaro Colliery of M/s National Coal Development Corporation, Ltd., to the extent that—

- (1) in relaxation of the provisions of Rule 118(a), the Rotary Blast Hole Drill a special type of portable apparatus, may be used at 3.3 K.V.
- (2) in relaxation of the provisions of Rule 118(c), the 110 volts system of supply intended for use for lighting purpose within the drill from the single phase 7.5 KVA, 3300/220/110 volts transformer having no mid point of the 110 volts system for earthing and as such the voltage of the system is obtained between phase and earth and not

between phases as contemplated in this rule, the 110 volts supply is specially considered and may be used.

- (3) in relaxation of the provisions of Rule 119(1)(a), the 7.5 KVA, 3300/220/110 volts single phase transformer using energy at high voltage may not be fixed apparatus as being installed on the portable drill moving from place to place the same has a portable sense.
- (4) in relaxation of the provisions of Rule 50(1)(d), the single phase, 7.5 KVA., transformer used for lighting and other auxiliary circuits, controlled and protected by pull type unganged manually operated fuse cutout, specially supplied by Bucyrus Erie Co., U.S.A., with the Drill may be used without linked switch or circuit-breaker on the primary side.
- (5) in relaxation of the provisions of Rule 123(5), the special type of screen protected, 3.3 K.V., trailing cable without pliable armouring may be temporarily used for a period not exceeding six months with the portable Drill. On the expiry of this period, so much of the relaxation shall be considered revoked.

and that the relaxations shall be subject to the following conditions.

- (a) The 3.3. K.V. supply to the flexible cable should be provided with earth-leakage protection.
- (b) The installations and wirings inside the drill shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular rules 115—117, 121, 124 and 125.
- (c) The flexible trailing cable should be connected to the electricity supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
- (d) The Drill along with the flexible trailing cable shall be worked and handled with due care so as to avert danger arising, out of any electrical defect or in the use. The insulation resistance of the high voltage circuit, including the driving motor shall at no time be less than 10 megohms.
- (e) The operators of the Drill shall be trained and authorised for operating the shovel with competency and due care to avoid danger.

Provided that the aforesaid relaxations shall be valid for such times as the ~~and~~ machine is in use in the colliery and the information shall be given to the Central Government through the Electrical Inspector of Mines as soon as the machine is taken out of the colliery.

[No. EL-II-5(2)/62.]

N. S. VASANT,
Officer on Special Duty.

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 23rd May 1962

S.O. 1692.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President is pleased to make the following amendments to the Railway Services (Authorized Pay) Rules, 1960, published with the Ministry of Railways Notification No. PC-59/ROP-1/1 of 2nd August 1960, namely:—

- (1) In Railway Services (Authorized Pay) Rules, 1960, the following shall be substituted for the existing rule 8 as last amended under this Ministry's Notification No. PC-60/ROP-2/1 dated 3rd November 1961, namely:—

“2. Option to elect authorized scales.—The authorized scales of pay shown in the schedule shall apply to:—

- (a) pre-1931 entrants who have not elected the prescribed scales applicable to them but who elect the authorized scales provided that such option shall be admissible only if the prescribed scales of all the posts held by a Railway servant in a substantive as well as officiating capacity have undergone a revision under these rules; and
- (b) pre-1931 entrants who had elected the prescribed scales and all post-1931 entrants.

Provided that a Railway servant whose case falls both in cases covered under clause (a) or clause (b), may elect to continue to draw pay in the existing scale until the date on which he earns his next or any subsequent increment in the existing scale or until he vacates his post or ceases to draw pay in that time scale of pay.

Explanation 1.—The option to retain the existing scale under the above proviso may also be exercised by a pre-1931 entrant drawing pay in a prescribed scale on the 1st July 1959 in accordance with the provisions of rule 4 of the Railway Services (Revision of Pay) Rules 1947, even though he may elect to draw pay in pre-1931 scales in respect of other posts.

Explanation 2.—The option to retain the existing scale under the proviso to this rule shall be admissible only in respect of one existing scale.

Explanation 3.—Where a Railway servant exercises the option under the proviso to this rule to retain the existing scale in respect of a post held by him in an officiating capacity, for the purpose of regulation of pay in that scale under Rule 2017 (F.R. 22) or 2027 (F.R. 31) of the Indian Railway Establishment Code, Volume II, his substantive pay shall be the substantive pay which he would have drawn had he retained the existing scale in respect of the permanent post on which he holds a lien or would have held a lien had his lien not been suspended."

2. For the existing Form I appended to the Railway Services (Authorized Pay) Rules, 1960, the Form as in Annexure 'A' shall be substituted.

3. These amendments shall be deemed to have come into force on the 1st day of July, 1959

ANNEXURE 'A'

FORM I

[See Rule 9(2)].

For Pre-1931 Entrants who had not Elected the Prescribed Scales of Pay

*A. I, _____ (Name) S/o _____ (Father's name) hereby elect the authorised scales of pay with effect from the 1st day of July, 1959.
(Name) (Father's name)

*B. I, _____ S/o _____ hereby elect to retain the pre-1931 scales of pay.
(Name) (Father's name)

*C. I _____ S/o _____ hereby elect to continue on the existing prescribed scale of pay as Rs. _____ of my substantive/officiating post until—
(Name) (Father's name) (scale)

*(i) the date of my next increment.

*(ii) the date of my subsequent increment raising my pay to Rs. _____.

*(iii) I vacate or cease to draw pay in the existing scale,"

and to elect the authorised scales of pay in respect of the remaining posts from the 1st July, 1959.

*D. I, _____ S/o _____ hereby elect to re-
(Name) (Father's name) (scale)
main in the existing prescribed scale of Rs. _____ of my substantive/officiating post until—

*(i) the date of my next increment

*(ii) the date of my subsequent increment raising my pay to Rs. _____.

*(iii) I vacate or cease to draw pay in the existing scale.

and to retain the pre-1931 scales of pay in respect of the remaining posts.

*E. I, _____ S/o _____ hereby elect to con-
(Name) (Father's name)
tinue on the existing pre-1931 scale of pay of Rs. _____ of my substan-
tive/officiating post until—

*(i) the date of my next increment.

*(ii) the date of my subsequent increment raising my pay to Rs. _____.

*(iii) I vacate or cease to draw pay in the existing scale.

and to come on to the authorised scales of pay in respect of the remaining posts with effect from 1st day of July, 1959.

Date.....

Station.....

Signature.....

Name

Designation

Office
in which employed
Station

*Score out whichever is not applicable.

NOTE.— (1) Option (A) or (E) is admissible only where the prescribed scales of all the posts held by the railway servant in a substantive as well as officiating capacity have been revised under the Railway Services (Authorised Pay) Rules, 1960.

NOTE.— (2) Options (C) and (D) are admissible only to a pre-1931 entrant who was drawing pay in a prescribed scale on the 1st Day of July, 1959, under Rule 4 of the Railway Service, (Revision of Pay) Rules, 1947.

ACKNOWLEDGEMENT

Received from Shri.....Designation.....office/Station
an option for

*(A) electing the authorised scales of pay.

*(B) retaining the pre-1931 scales of pay.

*(C) retaining the prescribed scale of pay for one post and electing the authorised scale of pay for the remaining posts.

*(D) retaining the prescribed scale of pay for one post and retaining the pre-1931 scale of pay for other posts.

*(E) retaining the existing pre-1931 scales for one post and electing the authorised scales for all the other posts.

Date.....

Station.....

Signature.....

Designation

Office

*Score out whichever is not applicable.

[No. PC-60/ROP-2/1.]

P. C. MATHEW, Secy.

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

ARCHAEOLOGY

New Delhi, the 22nd May 1962

S.O. 1693.—Whereas the Central Government is of opinion that the ancient and historical monuments specified in the schedule to this notification have ceased to be of national importance.

Now, therefore, in exercise of the powers conferred by section 35 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Cen-

tral Government hereby declares that the monuments aforesaid have ceased to be of national importance for the purpose of the said Act.

SCHEDULE

Sl. No.	State	District	Locality	Name of the Monument	Protection Notification No. and Date (i) Preliminary (ii) Confirmatory (iii) Subsequent, if any.
1	2	3	4	5	6
1	Assam	Cachar	Badarpur	Old Fort.	(i) No. 6461-E, dt. 18-11-1920 (ii) No. 7242-E, dt. 28-12-1920 Government of Assam.
2	Assam	Cachar	Tulargram	Sivatila	(i) No. 1240-E, dt. 8-5-1909 (ii) No. 3053-E, dt. 18-11-1909 Government of Assam.
3	Bihar	Palamau	Palamau	Old and new forts	(i) No. 1958-E, dt. 30-10-1920 (ii) No. 169-E, dt. 14-1-1921 Government of Bihar and Orissa.
4	Bihar	Patna	Bihar	Bihar Qila	(i) No. 831-E, dt. 26-2-1921 (ii) No. 2797-E, dt. 27-7-1921 Government of Bihar and Orissa.
5	Bihar	Santhal Parganas.]	Hadaf	Old Mughal Bridge	(i) No. 2586-E, dt. 19-12-1914 (ii) No. 1330-E, dt. 12-7-1915 Government of Bihar and Orissa.
6	Bihar	Shahabad	Bhadhokhar	Tomb of Alawal Khan	(i) No. 1930 dt. 6-9-1907 (ii) No. 2961 dt. 23-12-1907 Government of Bihar and Orissa.
7	Gujarat	Ahmedabad	Ahmedabad	Miyan Khan Chisti's Masjid in Dariapur-kajlpur	(i) No. 2583, dt. 24-3-1915 (ii) No. 7670, dt. 4-10-1915 Government of Bombay.
8	Gujarat	Broach	Broach	Dutch Tombs	(i) No. 1225, dt. 4-3-1909. (ii) No. 2704-A, dt. 26-5-1909 Government of Bombay.
9	Gujarat	Baroda	Baroda	Suryanarayana temple	The Ancient & Historical Monuments & Archaeological Sites & Remains (Declaration of National Importance) Act, 1951 (LXXI of 1951).

1	2	3	4	5	6
10	Gujarat	Baroda	Ten Talao	Ancient Tank	The Ancient & Historical Monuments & Archaeological Sites & Remains (Declaration of National Importance) Act, 1951 (LXXI of 1951).
11	Gujarat	Mehsana	Kadi	Rang Mahal	The Ancient & Historical Monuments & Archaeological Sites & Remains (Declaration of National Importance) Act, 1951 (No. M.LXXI of 1951).
12	Gujarat	Mehsana	Vadnagar	Ambaji or Amther temple with small shrines.	The Ancient & Historical Monuments & Archaeological Sites & Remains (Declaration of National Importance) Act, 1951 (No. LXXI of 1951).
13	Gujarat	Surat	Surat	Castle	(i) No. 2431, dt. 3-4-1916 (ii) No. 8641, dt. 23-12-1916 Govt. of Bombay.
14	Madhya Pradesh.	Betul	Khedla	Khedla Fort with two gateways	(i) No. 543-Y, dt. 17-12-1920 (ii) No. 1219-D.A.B., dt. 26-10-1922 Govt. of Central Province.
15	Maharashtra	Ahmednagar	Ahmednagar	Rumi Khan's tomb (in cantonment limits)	(i) No. 11884, dt. 29-11-1920 (ii) No. 5202, dt. 23-4-1921 Govt. of Bombay
16	Maharashtra	Akola	Akola	Hawa Khana bastion of the inner fortification together with 20 yds. of the wall adjacent on each side.	(i) No. 491-D/AD, dt. 2-7-1924. (ii) No. 748-A/AD, dt. 29-6-1925 Govt. of Central Province.
17	Maharashtra	Amraoti	Chikalda	Tomb of Lt. G. Young.	(i) No. 54, dt. 18-7-1911. (ii) No. C-78/AB-358, dt. 11-4-1925 Govt. of Central Province.
18	Maharashtra	Chanda	Chanda	Temple of Ganpati in Balajipur	(i) No. 162J, dt. 21-9-1920. (ii) No. 438-LAB, dt. 25-11-1924 Govt. of Central Province.
19	Maharashtra	Yeatmal	Lohara	Temple of Mahadeva.	(i) No. 9, dt. 17-1-1914 (ii) No. C. 72/A.B., 358 dt. 11-4-1925 Govt. of Central Province.

1	2	3	4	5	6
20 Mysore	Bangalore	Channapatna	Sayed Ibrahim's tomb or Bada Makkan	The Ancient & Historical Monuments & Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 No. LXXI of 1951).	
21 Mysore	Bangalore	Malur	Aprameyaswami temple.	The Ancient & Historical Monuments & Archaeological Sites & Remains (Declaration of National Importance) Act, 1951 (No. LXXI of 1951).	
22 Mysore	Bijapur	Bijapur	Malik Sandal's tomb.	(i) No. 6710-A, dt. 9-10-1912. (ii) No. 9700, dt. 11-11-1914 Govt. of Bombay.	
23 Orissa	Ganjam	Ganjam	Fort	(i) No. 127, dt. 25-9-1928 (ii) No. 161, dt. 5-12-1928 Govt. of Madras.	
24 Punjab.	Ferozepore	Feroz Shah	Monument commemorating battle.	(i) No. 15173, dt. 10-8-1918. (ii) No. 21535, dt. 28-11-1918 Govt. of Punjab. (iii) No. 818-Archy, dt. 13-4-1927 Department of Education Health & Lands, Govt. of India.	
25 Punjab.	Ferozepore	Misriwala	Memorial to Lieutenant P.C. Lombard.	(i) No. 15173, dt. 10-8-1918 (ii) No. 21535, dt. 28-11-1918 Govt. of Punjab. (iii) No. 818-Archy, dt. 13-4-1923 Department of Education, Health and Land, Govt. of India.	
26 Punjab.	Ferozepore	Mudki	Monument Commemorating battle	(i) No. 15173, dt. 10-8-1918 (ii) No. 21535, dt. 28-11-1918 Govt. of Punjab. (iii) No. 818-Archy, dt. 13-4-1923 Department of Education, Health and Lands, Govt. of India.	
27 Punjab	Hissar	Hissar	Jahaz Kothi	(i) No. 374, dt. 17-6-1911 (ii) No. 513, dt. 1-9-1911, Govt. of Punjab.	

1	2	3	4	5	6
28	Rajasthan	Banswars	Talwara	Sun temple	The Ancient & Historical Monuments & Archaeological Sites & Remains (Declaration of National Importance) Act 1951 (No. LXXI of 1951).
29	West Bengal	Birbhum	Brahmanidhi	Navaratna temple	(i) F. 4-16/48-A. 2 dt. 31-8-1951 (ii) No. F. 4-16/40-A. 2 dt. 30-1-1952 Ministry of Education, Govt. of India. (iii) The Ancient & Historical Monument & Archaeological Sites & Remains (Declaration of National Importance) Act 1953 (No. 30 of 1954).
30	U.P.	Agra	Fatehpur Sikri	Dak Bungalow	(i) No. 1412-M, dt. 18-11-1920 (ii) No. 1645-M/1133 dt. 22-12-1920 Govt. of United Province.
31	U.P.	Aligarh	Ramgarh Panjipur	Aligarh fort with all its boundary walls, gateways buildings tombs and ditch.	(i) No. 679 M/367-38, dt. 8-4-1915 (ii) No. 885 M/367-38, dt. 18/28-5-1915 Government of United Provinces.
32	U.P.	Jaunpur	Jaunpur	Gumti-bridge	(i) No. 1344/M367-66 dt. 21-12-1918 (ii) No. 200 M/367-66 dt. 4-2-1919 Govt. of United Province.
33	U.P.	Jaunpur	Sikara	Stone bridge over the Sai.	(i) No. 1412-M, dt. 18-11-1920 (ii) No. 1645-M/1133 dt. 22-12-1920 Govt. of United Provinces.
34	U.P.	Mirzapur	Samroth	Old Siva temple	(i) No. 1412-M, dt. 18-11-1920 (ii) No. 1645-M/1133 dt. 22-12-1920 Govt. of United Provinces
35	U.P.	Varanasi	Hingutar	Small flat roofed structure on an elevated platform supported on 16 massive square pillars.	(i) No. 1465/1133-M, dt. 25-11-1920 (ii) No. 1669/1133-M dt. 27-12-1924 (iii) No. 101, dt. 14-1-1924 Govt. of United Provinces.
36	Delhi	Delhi	Nizamuddin	Juna Shah's mosque.	(i) No. 1947-Edu., dt. 11-4-1924 (ii) No. 3201-Edu., dt. 11-4-1924 Chief Commissioner, Delhi.

1	2	3	4	5	6
37	Madras	Tiruchi rappalii Kilanilai	Remains of stone and brick fort.	The Ancient & Historical Monuments & Archaeological Sites & Remains (Declaration of National Importance) Act, 1951 (LXXI of 1951).	
38	Do.	Do.	Pudukkottai	Remnants of stone and brick fort.	Do.
39	Maharashtra	Buldana	Sindkhed	Well near the Chandni Talao.	(i) No. 106, dt. 2-8-1913 (ii) No. C-72-AB-358 dt. 11-4-1925 Govt. of Central Provinces.
40	Do.	Chanda	Gaorara	Low hill crowned with the remains of several temples.	(i) No. 162-J, dt. 21-9-1920 (ii) No. 438-LAB, dt. 25-11-1924 Govt. of Central Provinces.
41	Do.	Do.	Kasarbori	Carved figures of two warriors in a ruined temple.	(i) No. 162-J, dt. 21-9-1920 (ii) No. 438-LAB, dt. 25-11-1924 Govt. of Central Provinces.
42	U.P.	Deoria	Rudarpur	Colossal image of Vishnu.	(i) No. 1465M/1133 dt. 25-11-1920. (ii) No. 1669/1133-M, dt. 27-12-1920 Govt. of United Provinces.
43	West Bengal	Burdwan	Kalna (Mauza Shahpur)	Mosque	(i) No. 438 dt. 25-1-1915 (ii) No. 2466, dt. 14-6-1915 Govt. of Bengal.
44	Do.	Do.	Kalna (Mauza Khankarpatti)	Do.	(i) No. 1309-Mis. dt. 3-11-1920 (ii) No. 1571-Mis. dt. 29-12-1924 Govt. of Bengal.

[No. F. 4-5/62-C.1.]

S. J. NARSIAN,
Assistant Educational Adviser.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 29th May 1962

S.O. 1694.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Kirkend Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 58 of 1961

PARTIES:

Employers in relation to the Kirkend Colliery

AND

Their workmen.

Dhanbad, dated the 19th May 1962

PRESENT

Shri Salim M. Merchant, B.A.L.L.B., Presiding Officer.

APPEARANCES:

Shri S. S. Mukherjee, Advocate, with Shri S. Sanyal, Manager, Kirkend Colliery—for the employers.

Shri S. Bose, Member, Executive Committee, Colliery Mazdoor Sangh—for the workmen.

STATE: Bihar.

INDUSTRY: Coal.

AWARD

The Central Government by the Ministry of Labour and Employment's Order No. 2/150/61-LRII dated the 29th July 1961 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act 1947 (XIV of 47) was pleased to refer the industrial dispute between the parties in respect of the subject matters stated in the following schedule to the said order to me for adjudication.

SCHEDULE

"Whether the management was justified in dismissing Shri Suresh Prasad, Clerk, and if not, what relief he is entitled to".

2. After the dispute was discussed before me at the hearing on 18th April 1962, it was, on the joint application of the parties adjourned for hearing to 18th May 1962 when they filed a joint application recording the terms on which they have settled this dispute. They have prayed that an award be made in terms thereof. A copy of the said joint application is enclosed herewith and marked Annexure 'A'. As I am satisfied that the terms of settlement are fair and reasonable, I make an award in terms of the settlement reached between the parties. No order as to costs.

The 19th May, 1962.

Sd./- SALIM M. MERCHANT,
Presiding Officer.

ANNEXURE "A"

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 58 OF 1961

PARTIES:

Employers in Relation to Kirkend Colliery

AND

Their Workmen, represented by Shri B. N. Sharma, Secretary, Colliery Mazdoor Sangh, Kirkend Branch.

That without prejudice to the contentions of the parties the parties above-named most respectfully beg to settle the disputes on the following:—

Terms and Conditions

1. That at the request and persuasion of Shri B. N. Sharma, the Management agrees to pay an *ex-gratia* lump sum amount of Rs. 500 (Rupees Five Hundred) to the workman concerned.

2. That the workman does not press his claim for reinstatement.

3. That it is agreed that the payment will be made within a week of the date of signing this agreement in presence of Shri B. N. Sharma.

4. That the parties will bear their own respective cost. It is humbly prayed by the parties that an Award may be passed on the aforesaid terms.

S. S. MURHERJEE, Advocate, For Employer.

Sd./- B. N. SHARMA, Secy.,
Colliery Mazdoor Sangh, Kirkend
Branch For Workman.
SURESH PROSAD, Workman.

The 18th May, 1962.

[No. 2/150/61-LRII.]

S.O. 1695.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Ramnagar Colliery and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

Camp—Dhanbad.

REFERENCE No. 25 of 1962.

PARTIES:

Employers in relation to the Ramnagar Colliery

AND

Their workmen.

PRESENT:

Shri L. P. Dave—Presiding Officer.

APPEARANCES:

For the Employers

Shri Manoj Kumar Mukherjee, Pleader

Shri B. K. Srivastava, Welfare Officer, Samla Collieries Ltd.

For the Workmen

Shri D. Narsing, Advocate.

Shri Keshav Banerjee, General Secretary, Colliery Mazdoor Union, Bastin Bazar, Asansol.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

The Government of India, Ministry of Labour & Employment, by their Order No. 2/19/62-LRII dated 5-3-1962, referred the Industrial dispute existing between the employers in relation to Ramnagar Colliery and their workmen in respect of the question whether the suspension of the five loaders of the colliery mentioned in the schedule of the order was justified and if not, to what relief they were entitled, for adjudication to this Tribunal.

When the matter came up for hearing before me to-day, the parties produced a memorandum of settlement, copy of which is annexed herewith. The dispute related to the suspension of five workmen. It appears that they were suspended with effect from 30-1-1962 and were later on dismissed on 10-2-1962. It further appears that during conciliation proceedings relating to the dismissal, they were all taken back on work and it was at that time agreed that the period between the date of dismissal and the date of reinstatement was to be treated as leave without pay. The dispute in the present reference thus relates only to the wages between 30-1-1962 and 10-2-1962. As I mentioned above, the workmen have already been reinstated in work. Under the terms of the compromise, the Management have agreed to make a payment of Rs. 150/- (Rupees one hundred and fifty) only as *ex-gratia* payment to the workmen concerned. In my opinion, the compromise is fair and reasonable.

I therefore accept the compromise and pass an award in terms thereof.

Sd./- L. P. DAVE,
Presiding Officer.

The 18th May, 1962.

BEFORE THE HON'BLE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA

Camp—Dhanbad.

REFERENCE No. 25 OF 1962.

BETWEEN

The employers in relation to the Ramnagar Colliery of Messrs Samla Collieries Ltd., P.O. Pandaveshwar, Dt. Burdwan

AND

Their workmen represented by the Colliery Mazdoor Union, Bastin Bazar, P.O. Asansol.

Memorandum of Settlement

The parties aforesaid most respectfully submit that without prejudice to their respective contentions before this Hon'ble Tribunal, the above matter has been amicably settled between themselves to the satisfaction of each of the parties on the following terms:—

- (a) the employers agree to pay to the five workmen named in the schedule to the order of reference the sum of Rs. 150/- (Rupees one hundred and fifty) only as *ex-gratia* payment.
- (b) the workmen have no other claim against the management in the present reference.
- (c) the aforesaid sum of Rs. 150/- shall be paid by the Management to Shri Keshab Banerjee, General Secretary, Colliery Mazdoor Union who will accept the money on behalf of the said five workmen.
- (d) the Management shall treat the period of suspension from 30th January 1962 to 10th February 1962 as period of service and attendance without wages with continuity for purposes of the quarterly bonus and leave and all such purposes.
- (e) the parties shall bear their own costs of these proceedings.
- (f) the aforesaid payment shall be made by 25th May, 1962.

The parties pray that this Tribunal may be graciously pleased to give its award in terms aforesaid.

For workmen.

Sd./- NARSINGH,

Advocate.

18-5-1962

Sd./- KESHAB BANERJEE,

General Secretary,

Colliery Mazdoor Union.

18-5-1962.

For Employers.

Sd./- M. K. MUKHERJEE,

Pleader.

18-5-1962

Sd./- B. K. SRIVASTAVA,

Welfare Officer.

18-5-1962.

[No. 2/19/62-LRIL]

ORDER.

New Delhi the 23rd May 1962

S.O. 1696.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Satna Cement Works of Messrs Birla Jute Manufacturing Company and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7-A, of the said Act.

SCHEDULE.

- (i) Whether the present housing facilities provided by the Satna Cement Works for the workers employed in their limestone quarries are adequate and satisfactory; if not, to what relief the workers are entitled to?

(ii) Whether the following categories of workmen employed in the Limestone quarries of the aforesaid management are entitled to supply of any dress and if so, at what scale;

- (1) Loco drivers (2) Loco helpers (3) Drillers (4) Driller helpers (5) Blasters (6) Watchmen.

(iii) whether the existing water supply facilities provided for the workers in the Labour Colony are satisfactory; if not, what should be the scale of such water supply?

(iv) Whether the workers employed in the aforesaid establishments are entitled to any extra wages or allowances for attending to night work; if so, at what rate?

(v) Whether the union's demand for appointment of a nurse or a midwife at the aforesaid establishment is justified; if so, to what relief the workers are entitled?

(vi) Whether the aforesaid management is justified in not paying wages to Shri Kedar Singh, Loco driver, and Shri Baban Singh, Loco helper from 9th October, 1961, to 12th October, 1961; if not, to what relief these two workmen are entitled?

[No. 22/11/62-LRII.]

S.O. 1697.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bararee Colliery, of Messrs East Indian Coal Company Limited, Post Office Jealgora, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7-A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri Hemanta Kumar Chaudhury as the Presiding Officer, with headquarters at Patna, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

- (1) Whether the action of the management in terminating the service of Shri Arun Kumar Tagore, electrician fitter, was justified. If not, to what relief is he entitled?
- (2) Whether the action of the management in refusing payment of wages to Shri Arun Kumar Tagore for the period from 19th September, 1961, to 28th September, 1961, was justified. If not, to what relief is he entitled?

[No. 2/27/62-LRII.]

New Delhi, the 24th May 1962

S.O. 1698.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to Amarsingh Gowamal and Sons, Tisra Colliery, P.O. Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri Hemanta Kumar Chaudhury as the Presiding Officer, with headquarters at Patna, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the action of the management of Amarsingh Gowamal and Sons, Tisra Colliery, P.O. Jharia, District Dhanbad, in stopping Shri Uday Mandal from work with effect from the 16th September, 1961 was justified? If not, to what relief is he entitled?

[No. 2/46/62-LRII.]

New Delhi, the 26th May 1962

S.O. 1699.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the South Joyramdanga Colliery (Post Office Asansol) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7-A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri Hemanta Kumar Chaudhury as the Presiding Officer, with headquarters at Patna, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

1. Whether the management of the South Joyramdanga Colliery was justified in refusing to give employment to the following workmen with effect from the 26th June, 1961, namely:—

1. Shri Teja Harijan.
2. Shri Manu Lodh.
3. Shri Beladin Pashi.
4. Shri Rampal Lodh.
5. Shri Puran Pashi.
6. Shri Lala Lodh.
7. Shri Iswardin Lodh.
8. Shri Sukru Lodh.
9. Shri Babulal Lodh.
10. Shri Sarju Pashi.
11. Shri Bhagawati Lodh.
12. Shri Babulal Thakur.
13. Shri Kuharoo Pashi.
14. Shri Ramoter Pashi.
15. Shri Ramprasad Harijan.
16. Shri Badri Harijan.
17. Shri Bhola Lodh.
18. Shri Sunder Pashi.
19. Shri Kripali Pashi.
20. Shri Goli Pashi.
21. Shri Nanku Lodh.
22. Shri Satyanarain Lodh.
23. Shri Chatori Pashi.
24. Shri Ramashray Lodh.
25. Shri Ramnaran Pashi.
26. Shri Ramsarup Lodh.
27. Shri Laloo Lodh.
28. Shri Budha Lodh.
29. Shri Ramabatar Pashi.
30. Shri Parre Pashi.
31. Shri Ramlal Pashi.
32. Shri Mongal Lodh.
33. Shri Badri Pashi.
34. Shri Chatta Laloo Lodh.
35. Shri Hanuman Lodh.
36. Shri Kaloo Lodh.
37. Shri Pitambar Pashi.
38. Shri Baidyanath Pashi.

39. Shri Thunilal Garori.
40. Shri Babulal Pashi.
41. Shri Ramdin Lodh.
42. Shri Sundar Lodh.
43. Shri Mangal Pashi.
44. Shri Hariram Pashi.
45. Shri Gaboo Lodh.
46. Shri Peare Lodh.
47. Shri Prasad Lodh.
48. Shri Prithipal Lodh.
49. Shri Sambhu Lodh.
50. Shri Sarjoo Lodh.
51. Shri Rajan Pashi.
52. Shri Sukhram Harijan.
53. Shri Bachhu Lodh.
54. Shri Debender Lodh.
55. Shri Pawari Lodh.
56. Shri Maiku Harijan.
57. Shri Ram Jawan Koiri.
58. Shri Ram Abatar Lodh.
59. Shri Shiu Ratan Passi.
60. Shri Chotu Koiri.
61. Shri Kali Harijan.
62. Shri Banssi Passi.
63. Shri Sukru Harijan.
64. Shri Banssi Lodh.
65. Shri Nanku Koiri.
66. Shri Raghunandan Lodh.
67. Shri Siuratan Bin.
68. Shri Lul Bachan Ahir.
69. Shri Birjo Bhar.
70. Shri Chandradeo Bin.

2. If not, to what relief are the workers entitled?

[No. 2/209/61-LR.II.]

New Delhi, the 28th May 1962

S.O. 1700.—Whereas an industrial dispute exists between the employers in relation to the Chirimiri Colliery, Amrit Bhawan, Residency Road, Nagpur and their workmen represented by the Chhattisgarh Colliery Workers' Federation, Post Office Chirimiri, District Surguja (Madhya Pradesh), in respect of the matters set forth in the application reproduced in the Schedule hereto annexed;

And whereas the parties to the said dispute have jointly applied to the Central Government for reference of the said dispute to a tribunal;

And whereas the Central Government is satisfied that the persons applying for the reference of the said dispute to a tribunal represent the majority of each party to the said dispute;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7-A of the said Act.

SCHEDULE

Form A.

(Rule 3)

Form of application for the reference of an industrial dispute to a Tribunal under Section 10(2) of the Industrial Disputes Act, 1947.

Whereas an industrial dispute exists between the Management of Chirimiri Colliery, Amrit Bhavan, Residency Road, Nagpur, and the Workmen of Chirimiri Colliery, P.O. Chirimiri, S. E. Railway, District Surguja, Madhya Pradesh, represented by the Chhattisgarh Colliery Workers' Federation, P.O. Chirimiri and it is expedient that the disputes specified in the enclosed statement which is connected or relevant to the disputes should be referred for adjudication by a Tribunal an application is hereby made under Section 10(2) of the Industrial Disputes Act, 1947, that the said disputes should be referred to a Tribunal.

A statement giving the particulars required under rule 3 of the Industrial Disputes (Central) Rules, 1957, is attached.
DATED: 12th April, 1962.

For the Management,

Sd./-

General Manager

Chirimiri Colliery Company

"Amrit Bhavan", Residency Rd.,

Post Box 83, Nagpur-1.

For the Workmen,

Sd./-

Sd./-

Vice President

Secy.

Chhattisgarh Colliery Workers'

Federation P.O. Chirimiri,

Dist. Surguja, Madhya Pradesh.

To

The Secretary to the Government of India,
Ministry of Labour and Employment,
New Delhi.

Statement required under rule 3 of the Industrial Disputes (Central) Rules, 1957, to accompany the form of application prescribed under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947.

(a) Parties to the dispute including the name and address of the establishment or undertaking involved.

Management of Chirimiri Colliery known as Chirimiri Colliery Company, Amrit Bhavan, Residency Road, Nagpur-1,

AND

Workmen of Chirimiri Colliery as represented by Chhattisgarh Colliery Workers' Federation, P.O. Chirimiri, Dist. Surguja, Madhya Pradesh.

(b) Specific matters in dispute.

A. (i) Whether the casual and badli workers of Chirimiri Colliery are entitled to paid festival holidays and, if so, to what relief these workers are entitled and from which date.

(ii) Whether the casual and badli workers of the aforesaid Colliery are entitled to wages at overtime rates for work on paid festival holidays and, if so, to what relief the workers are entitled and from which date.

B. Whether the mining sirdars, despatch clerks, assistant despatch clerks, monthly paid workmen of Engineering Department, hospital staff and monthly paid bungalow servants of Chirimiri Colliery, who have worked on Sundays and paid festival holidays and have been paid single wages for the said days with compensatory rest days, are entitled to payment of any extra wages, and if so to what extent and from which date.

(c) Total number of workmen employed in the undertaking affected. 1900.

(d) Estimated number of workmen affected or likely to be affected by the disputes.

Disputes under item (b) A. 200.

Dispute under item (b) B. 75.

(e) Efforts made by the parties themselves to adjust the disputes.

The Chhattisgarh Colliery Workers' Federation submitted a charter of 47 demands to the Conciliation Officer (Central), Jabalpur, on 25th February, 1962. Accordingly, the Conciliation Officer (C), Jabalpur, held conciliation proceedings on 30th and 31st March, 1962, when an agreement on all the demands was arrived at, except the above referred disputes which were agreed upon to be referred for adjudication.

[No. 8/46/62-LRII.]

A. L. HANDA, Under Secy.

New Delhi, the 25th May 1962

S.O. 1701.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri K. N. Shukla to be an Inspector for the whole of the State of Uttar Pradesh for the purposes of the said Act or of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of, the Central Government, or in relation to any establishment connected with a railway company or a controlled industry.

[No. 21(4)/62-PF.I.]

New Delhi, the 28th May 1962

S.O. 1702.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Sarvashri S. R. Suri and Raj Kumar Chopra to be Inspectors for the whole of the Union Territory of Delhi for the purposes of the said Act or of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of the Central Government, or in relation to an establishment connected with a railway company or a controlled industry.

[No. 20(19)62-PF-I.]

S.O. 1703 PWA/Oil-fields.—In exercise of the powers conferred by sub-section (5) of section 1 read with section 24 of the Payment of Wages Act, 1936, (4 of 1936), the Central Government hereby extends with effect from the 15th June, 1962, the provisions of the said Act, to the payment of wages to all classes of persons employed in oil-fields in the State of Assam, three months' notice of its intention of so doing having been given as required by the said sub-section (5) of section 1.

[No. Fac. 52(36)/58.]

New Delhi, the 29th May 1962

S.O. 1704.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Sarvashri V. K. Gupta and M. G. Shirbatti to be Inspectors for the whole of the State of Maharashtra for the purposes of the said Act or of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 21(6)62-PF.I.]

P. D. GAIHA, Under Secy.

New Delhi, the 23rd May 1962

S.O. 1705.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Bombay Port Trust, Bombay and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY
REFERENCE No. CGIT-33 of 1961

PARTIES:

Employers in relation to the Bombay Port Trust

AND

The Bombay Port Trust Employees' Union.

PRESENT:Shri Salim M. Merchant,—*Presiding Officer.**Bombay, the 11th May, 1962***APPEARANCES:**

For the employers.—Shri S. D. Nariman, Legal Adviser, Bombay Port Trust.

For the Bombay Port Trust Employees' Union.—Shri S. J. Deshmukh, Assistant Secretary, Bombay Port Trust Employees' Union.

For the Bombay Port Trust General Workers' Union.—Shri S. Maitra, General Secretary, Bombay Port Trust General Workers' Union.

STATE: Maharashtra.

INDUSTRY: Ports and Docks.

AWARD

The Government of India by the Ministry of Labour and Employment's Order No. 28/51/81/LRIV, dated 10th October, 1961, on a joint application of the Bombay Port Trust and the Bombay Port Trust Employees' Union dated 7th September, 1961, made in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (Act 14 of 1947), was pleased to refer this industrial dispute, in respect of the following subject matters specified in the schedule to the said order, to me for adjudication:—

SCHEDULE

"Whether the services of Shri Chandrakant Gangaram Pandharkame. Relieving Wireman, S.P.V. 'Kennery', should be terminated; if not, whether he should continue to work on S.P.V. 'Kennery'; or whether he should be transferred to the cadre of Wiremen of the Electrical Establishment, Northern Division, Engineering Department".

2. After the usual notices were issued, the B. P. T. General Workers' Union filed its written statement dated 2nd February 1962 opposing the termination and or transfer of services of Chandrakant Gangaram Pandharkame and the B.P.T. Employees' Union in support of its demand for the termination of his services and or his transfer, filed its statement of claim on 12th March 1962. The Bombay Port Trust filed its written statement in reply dated 16th March 1962 after which the Employees' Union filed a supplementary additional statement of claim dated 26th April 1962 to which the Bombay Port Trust filed its reply dated 28th April 1962. The dispute was, thereafter, heard on 30th April 1962.

3 The dispute has arisen over the appointment of Pandharkame, as relieving wireman on the S.P.V. Kennery, which is a Pilot vessel in the Deputy Conservator's Department. The B.P.T. Employees' Union contends that the appointment of Pandharkame—an outsider—as relieving wireman was contrary to the prevailing practice of appointing only electricians and wiremen from the electrical establishment of the Engineering Department to posts of electricians and or wiremen on the S.P.V. Kennery and its grievance is that this appointment of an outsider has resulted in depriving one qualified workman from the electrical establishment to be promoted to a post falling vacant in that establishment. It, therefore, demands that Pandharkame's appointment as relieving wireman on the S.P.V. Kennery should be cancelled and his services terminated or in the alternative he should be transferred to the cadre of wiremen of the electrical establishment of the Chief Engineer's Department and be placed on the same footing as the other wiremen from among those who choose to go to the post of relieving wiremen on the S.P.V. Kennery.

4. On the other hand, the Bombay Port Trust General Workers' Union has opposed this demand of the Bombay Port Trust Employees' Union, and has in its written statement urged that the appointment of Pandharkame as relieving wireman on the S.P.V. Kennery was just and proper, that there was no such practice as claimed by the Employees' Union of on the S.P.V. Kennery only from the electrical establishment of Department of the Bombay Port Trust, that each Department of the Bombay Port Trust is an independent department and that there cannot be any right of transfer from one department to another. It is further urged that even within the department itself transfer from one section to another is not allowed and that if an employee seeks a transfer from one section to another section he cannot carry his seniority with him.

5. The Bombay Port Trust in its written statement has given a detailed chronological narration of the circumstances under which Pandharkame came to be appointed as relieving wireman on the S.P.V. Kennery and it has attached to its written statement the relevant correspondence that thereafter passed between it and the two unions and its position is that the appointment of Pandharkame to the post of relieving wireman on the S.P.V. Kennery was proper and correct; that there was no such age long practice as is claimed by the B.P.T. Employees' Union, creating a right in the employees of the electrical establishment of the Chief Engineer's Department to claim appointment to vacancies in the Deputy Conservator's Department and it has pointed out that there was no long standing practice as alleged by the B.P.T. Employees' Union of appointing only wiremen and electricians from the electrical establishment of the Chief Engineer's Department to the vacancies in the posts of electricians and wiremen in the Deputy Conservator's

Department. It has, therefore, opposed the claim of the B.P.T. Employees' Union for the termination of the services of Pandharkame or for his transfer to the electrical establishment of the Bombay Port Trust.

6. Before dealing with the merits of the claim it is necessary I think to give a chronological account of the events leading upto this dispute.

7. It appears that the S.P.V. Kennery was purchased by the Bombay Port Trust somewhere in 1949 and that when the Minimum Wages Act came to be applied to the employees of the Bombay Port Trust, the Deputy Conservator, while forwarding his proposals for additional staff to provide for the grant of weekly offs to the crew of the S.P.V. Kennery, inadvertently omitted to make provision for the appointment of an electrician for weekly offs to be granted to electricians and wiremen on the S.P.V. Kennery. After the Minimum Wages Act came into force it was realised that electricians and wiremen could not be given weekly offs because there were only two wiremen on board and no provision was made for a spare wireman to carry out the work departmentally. Therefore, the Deputy Conservator, by his letter dated 3rd July 1958, asked the Mechanical Superintendent of the Chief Engineer's Department to send a relieving electrician in order to enable weekly offs being granted to the electricians and wiremen of the pilot vessel Kennery. To this, the Chief Engineer, by his letter dated 2nd August 1958 stated that it was not possible to spare an electrician as the electrical section of his department, which works in three shifts, had to make their own arrangements for weekly offs, absenteeism etc., apart from the shortage of electricians in general. There upon, the Deputy Conservator by his letter dated 28th August/2nd September 1958 requested the Mechanical Superintendent to send a relieving wireman for granting weekly off to the electricians and wiremen on the Pilot Vessel Kennery, to which the Mechanical Superintendent, by his letter dated 11th September 1958 replied stating that it was not possible to spare a wireman from the electrical section. He, however, suggested that as the requirement of a wireman or electrician by the Deputy Conservator appeared to be of a permanent nature, sanction for the necessary post might be obtained, after which the Deputy Conservator could make his own arrangements for direct recruitment. Copies of these letters are annexed to the Bombay Port Trust's written statement as annexure 'A', and this correspondence is admitted by the parties.

8. It is admitted that thereafter the Deputy Conservator obtained sanction from the Chairman of the Bombay Port Trust for the creation of a permanent post of relieving wireman, in the S.P.V. Kennery and by his letter dated 17th August 1959 appointed Shri Pandharkame as relieving wireman which appointment he accepted by his letter dated 17th August 1959. (See correspondence marked exhibit 'B' annexed to the Bombay Port Trust's written statement).

9. It appears that thereafter certain workmen under the Mechanical Superintendent of the Electrical Department made a representation to the Mechanical Superintendent protesting against the appointment of Shri Pandharkame as relieving wireman on the S. P. V. Kennery, and on 5th October 1959 the B.P.T. Employees' Union requested the Administration to cancel Shri Pandharkame's appointment and to appoint an appropriate workman from the electrical establishment to the post. To this, the Deputy Secretary of the Bombay Port Trust by his letter dated 23rd October 1959 replied stating that the wiremen of the engineering department had no right as such to a post in any other department and that it was open to the Administration to fill the post in the S.P.V. Kennery either by taking men from the Chief Engineer's Department or by outside recruitment, whichever was more convenient. He stated in conclusion that in the present case an outsider was recruited because the Chief Engineer was unable to spare any wireman. The General Secretary of the Employees' Union replied by his letter dated 23rd November 1959 in which he stated that whilst it was not his desire to go into the arguments regarding the right or otherwise of the wiremen of the Engineering Department to a post in another department, all the same he submitted that it was the practice and the rule in the Bombay Port Trust to appoint to the post of wireman on the S.P.V. Kennery and other vessels the persons employed in the Electric establishment of the Engineering Department. He stated in his letter that this was an age old procedure and practice and he saw no reason for departing from this practice. In the concluding portion of his letter it was stated that it was his union's unfortunate experience that whenever appointments were made to the posts of wiremen, outsiders were preferred to the qualified men working in the Port Trust, for reasons best known to the officers concerned. No reply was given to this letter and the Employees' Union does not appear to have done anything further in the matter till an occasion arose in July 1961 for filling the permanent vacancy in the post of wireman on the S.P.V. Kennery, which appointment was held by Shri Pandharkame. In the meantime, on 24th February

1961, the Bombay Port Trust General Workers' Union referring to the demands made by the Bombay Port Trust Employees' Union pointed out that the appointment of Pandharkame had been validly made by the Administration and that direct recruitment in this case was resorted to only on being informed by the Mechanical Superintendent, Port Trust Workshops, that he had nobody to spare for the work on S.P.V. Kennery. It was submitted by the General Workers' Union that the employees of the Mechanical Superintendent's Section had no right or claim to the post of relieving wireman on the S.P.V. Kennery. Thereafter, the Employees' Union addressed two letters dated 4th May 1961 and 28th June 1961 (See Annexures 'D' to the Bombay Port Trust's written statement) to the Secretary, Bombay Port Trust on this subject, and ultimately by a joint application dated 7th September 1961, the B.P.T. Administration and the Employees' Union, requested Government to refer this dispute to adjudication under section 10 (2) of the Industrial Disputes Act.

10. Shri Deshmukh, appearing for the Employees' Union, in support of his demand has vehemently argued that there had been agelong practice always to appoint electricians and wiremen required by the Deputy Conservator's Department from electricians and wiremen of the electrical establishment of the Chief Engineer's Department. The Bombay Port Trust has in its written statement and at the hearing denied the claim based on agelong practice. Whilst admitting whenever electricians or wiremen were required in the Deputy Conservator's Department they were taken from the electrical establishment of the Chief Engineer's Department, the Administration has pointed out that in the Deputy Conservator's Department there are only four such posts i.e. two posts of electricians 2nd grade and two of wiremen, of which one electrician's and one wireman's posts were on the S.P.V. Kennery and of one electrician and one wireman on the "AMAR", which was acquired in 1944. He has pointed out that hitherto the occasions of permanent transfers of electricians and wiremen from the electrical establishment of the Engineering Department to the Deputy Conservator's Department had been only three; firstly, when the "Kennery" was acquired and electricians and wiremen were appointed to it; secondly, on the AMAR when it was purchased in 1944 and thirdly, when a vacancy in the electrician's post occurred because of the death of one of the incumbents and the wireman on the KENNERY became an electrician and in the wireman's vacancy, a wireman was brought from the Engineering Department. These three occasions resulted in permanent transfers of only six workmen from the electrical engineer's department. Shri Nariman has fairly conceded that there have been temporary transfers from the Engineering Department in temporary vacancies of the posts of wiremen and electricians, but he has argued that on the facts stated the claim of an agelong practice could not be established.

11. Shri S. Maitra, appearing for the B.P.T. General Workers' Union has argued that the affairs of the Trustees of the Port of Bombay are conducted through various Departments which are looked after by Heads of Departments and each Department is a self-contained separate and distinct unit. Transfer of an employee between Departments of the Port Trust is not allowed and if transfers are allowed as a special case, due to exigencies of work by the Administration, the employee does not carry his seniority. He vehemently contended that an employee from the Chief Engineer's Department cannot claim promotion or transfer to the Deputy Conservator's Department as a matter of right. He has gone further and stated that even within Departments transfer from one section to another is not allowed and if an employee seeks a transfer from one section to another in the same Department he is not allowed to carry his seniority from his original section to the other section and in support of his contention he has given instances of the existence of such a rule in various sections in the several departments of the Port Trust. He has further argued that the powers of appointment, discharge etc., are vested in the Chairman of the Bombay Port Trust under section 23 of the Bombay Port Trust Act 1879; that the Chairman of the Bombay Port Trust under that section is also empowered to delegate his powers to the Heads of Departments whilst retaining the powers to revise the decision taken by the Heads of Departments. Shri Maitra has argued that an appointment by the Head of a Department against a permanent vacancy or a new permanent post, approved by the Chairman—as in this case—cannot be set aside except through the process of disciplinary action or abolition of the post. He has argued, I think with justification, and he has been supported in this argument by Shri Nariman, that the Chairman having sanctioned the creation of a permanent post of relieving wireman on the S.P.V. Kennery and that appointment having been subsequently filled in on a permanent basis by the appointment of Shri Pandharkame to it, his services could not be terminated, nor could he be transferred to the Engineering Section to stand his seniority amongst the wireman of that Department. In my opinion both these

contentions must be upheld. I am not at all satisfied that there has been an age-long practice of appointing electricians and wiremen in the Deputy Conservator's Department only through the electrical establishment of the Chief Engineer's Department. At most, as argued by Shri Mitra, it was a convention and he is right when he says that a convention cannot deprive a permanent employee of his appointment to a permanent post, which had been validly sanctioned by the Chairman. It is significant that an outsider was recruited only after the Deputy Conservator had asked the Chief Engineer for an electrician or for a relieving wireman when the need for appointing a relieving wireman on the S.P.V. Kennerly arose because of the coming into force of the Minimum Wages Act, and other the latter had stated that he could not spare either an electrician or a wireman from his department. As I have stated earlier, the Mechanical Superintendent himself suggested that as the requirement appeared to be of a permanent nature, sanction of the Chairman should be obtained for the creation of a permanent post of relieving wireman and accordingly sanction was obtained and an outsider was appointed. Shri Deshmukh for the B.P.T. Employees' Union has sought to argue that the Mechanical Superintendent of the Chief Engineer's Department was wrong or mistaken in saying that he could not spare an electrician or a wireman and he has in his supplementary statement made certain allegations in support of this contention but in my opinion he very wisely refrained from pursuing this allegation. There is nothing at all to suggest that the Mechanical Superintendent was wrong when he stated that no qualified electrician or wireman could be spared from his Department to the Deputy Conservator for appointment to the post of a relieving wireman on the Kennerly. Even otherwise, as it is quite clear that there was no age-long practice which gave any right to the electrician and wireman of the Chief Engineer's Department to claim appointment to vacancies of those posts in the Deputy Conservators Department, the claim now put forward would not have been justified.

12. After an anxious consideration of the documents on record and the arguments urged by the parties I have not the least hesitation in holding that there is no justification for the Employees' Union's demand that the services of Pandharkame as relieving wireman on the S.P.V. Kennerly should be terminated nor is there any justification for him to be transferred to the electrical establishment. Much was sought to be made, by Shri Deshmukh of the chances which the senior wiremen and electricians of the Engineering Department would lose if they were to miss the chance of being appointed to the post of relieving wireman on the S.P.V. Kennerly. It appears to me that this is a case of workers of a separate and distinct department seeking to cast covetous glances on posts in another distinct and separate Department to which they have no valid claim. If this principle were conceded, it would as rightly pointed out by Shri S. Mitra, create a lot of confusion, giving rise to a crop of industrial disputes.

13. In the result the demand of the Employees' Union fails and is rejected.

No order as to costs.

Sd./- SALIM M. MERCHANT, Presiding Officer,
Central Government Industrial Tribunal, Bombay.

[No. 28/51/61-LRIV.]

New Delhi, the 24th May 1962

S.O. 1798.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the industrial dispute between the employers in relation to the Bank of Rajasthan Limited, Jaipur and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI

PRESENT:

Shri P. D. Vyas, Central Government Industrial Tribunal, Delhi.

The 8th May, 1962

I.D. No. 37 of 1962.

BETWEEN

The employers in relation to the Bank of Rajasthan Ltd., Jaipur

AND

Their workmen.

Shri Nand Lal Mathur—for the Bank.

Shri H. L. Parwana—for the workmen.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, the Central Government was pleased to refer an industrial dispute existing between the employers in relation to the Bank of Rajasthan Limited, Jaipur and their workmen for adjudication to the Industrial Tribunal, Delhi, by Order No. S.O. 51(81)/61-LRIV, dated the 5th February, 1962. The dispute relates to the matters specified in the Schedule annexed to the order.

SCHEDULE

Whether the action of the bank in denying payment of bonus for the year 1960 to Sarvashri Govindlal Sha, Sripal Jain and Shanti Kumar Jain who were employed in the Kotah branch of the bank during 1960 is justified and, if not, to what relief are they entitled?

2. On behalf of the workman the Secretary, Rajasthan Bank Employees' Union, Kota filed the statement of claim and the Manager, Central Office, filed the written statement for and on behalf of the Bank of Rajasthan Limited. On the date of hearing the parties report that they have arrived at an amicable settlement under which the Bank is to pay certain sums of money to the three workers concerned by way of bonus. I therefore make my award in terms of the memorandum of settlement filed by the parties and annexed hereto.

Sd./- P. D. VYAS,
Central Government Industrial Tribunal,
Delhi.

The 8th May, 1962.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT, LABOUR COURT, DELHI

I.D. No. 37 of 1962.

Claim for bonus for the year 1960.

May it please the Hon'ble Court,

Without prejudice to their respective contentions the parties to the dispute have compromised the case on the following terms:—

1. The Bank will pay its following ex-employees the sums as noted against their names:—

1. Shri Shanti Kumar Jain	..	..	Rs. 9.96 nP.
2. Shri Govind Lal Shah	..	..	Rs. 32.73 nP.
3. Shri Shri Pal Jain	..	..	Rs. 47.90 nP.

They may collect their respective amounts from the Central Office of the Bank, Johri Bazar, Jaipur on any working day after a week from this date. The compromise may accordingly be recorded.

For and on behalf of the
Employees (Applicant),
Sd./- H. L. PARVANA,
Assistant Secretary,
All India Bank Employees
Association,
8-5-62.

For and on behalf of the
Bank of Rajasthan Ltd, Jaipur,
Sd./- R. Y. GARG,
Manager,
Central Office,
Dated: 8-5-62

Sd./- P. D. VYAS,
Central Government Industrial Tribunal,
Delhi.

[No. 51(81)/61-LRIV.]

New Delhi, the 25th May 1962

S.O. 1707.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Labour Court, Delhi, in the matter of an application under section 33A of the said Act from Shri Sant Ram, an employee of the Punjab and Sind Bank Ltd.

BEFORE THE CENTRAL GOVERNMENT LABOUR COURT DELHI

PRESENT:

Shri P. D. Vyas, Central Government Labour Court, Delhi.
The 8th May, 1962.

Application U/S. 33 A of the Industrial Disputes Act, 1947.

COMPLAINT I. D. No. 22 of 1962.

Shri Sant Ram, Peon-cum-Chowkidar, Punjab and Sind Bank Ltd., B/O Fountain, Chandni Chowk, Delhi.—*Complainant*.

Versus

The Punjab and Sind Bank Ltd., Fountain, Chandni Chowk, Delhi.—*Respondent*.

Shri V. N. Sekhri—*for the workman*.

Shri Surjit Singh—*for the management*.

In the matter of Comp. No. 2 in Ref. No. 1 of 1960, pending before the National Industrial Tribunal (Bank Disputes), Bombay-1.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act. On the date of hearing the complaint is withdrawn on the ground that the dispute is likely to be settled by mutual negotiations in the result of an agreement before the Conciliation Officer. The complaint therefore stands disposed of for want of further prosecution and the statement filed on behalf of the complainant is annexed hereto.

The 8th May, 1962

P. D. VYAS, Central Govt. Labour
Court, Delhi.

ANNEXURE

Before the Central Government Labour Court at Delhi.

I.D. No. 22 of 1962.

Shri Sant Ram Peon-cum-Chowkidar—*Applicant*.

Versus

The Punjab and Sind Bank Ltd., Ch. Chowk, Delhi.—*Opp. Party*.

May please your lordships.

The Dispute is likely to be settled by mutual negotiation as a result of the agreement before the Conciliation Officer & the workman accordingly will get the relief prayed for.

It is therefore prayed that the complaint be allowed to be withdrawn.

The 8th May, 1962.

V. N. SEKHRI, G. Secretary A.I.B.E.F.
For complainant.

(Sd.) P. D. VYAS,

Presiding Officer, Central Government Labour Court, Delhi.

[No. 55(14)/61-LRIV.]

New Delhi, the 28th May 1962

S.O. 1708.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Arbitrator in the industrial dispute between the employers of registered Dock Workers represented by Master Stevedores' Association and Calcutta Stevedores' Association and the registered Tally Clerks as defined in the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956 represented by National Union of Dock Labour, Dock Mazdoor Union, Calcutta Dockers' Union and Sarvashri Bhambesh Dutta, Rabin Mukherjee, Byomkesh Chatterjee, Nelay Roy and Ajit Chakraborty.

BEFORE SHRI M. R. MEHER, I.C.S. (Retd.), ARBITRATOR

In the matter of an Arbitration under section 10A of the Industrial Disputes Act, 1947.

NAMES OF THE PARTIES:

Representing employers:

- (a) Master Stevedores' Association, Royal Exchange Building, India Exchange Place, Calcutta-1 (Members as per list given in Government

of India, Ministry of Labour & Employment, Order, No. S.O. dated 14th February 1962, published in the Gazette of India, Extraordinary, Part II, Section 3 sub-section (ii):

- (b) Calcutta Stevedores' Association, P-11, Mission Row, Calcutta-1 (Members as per list given in the Government of India Order referred to above).

Representing employees:

- (a) National Union of Dock Labour, 10, Mohan Chand Road, Calcutta-23.
 (b) Dock Mazdoor Union, 64, Chittaranjan Avenue, Calcutta-12.
 (c) Calcutta Dockers' Union, 51, Chittaranjan Avenue, Calcutta-12.
 (d) The following five Tally Clerks duly authorised in the meeting of the Tally Clerks held on 9th January 1962, as per copy of the resolution published in the Government of India Order referred to above)
 (i) Sri Bhabesh Datta, T. C. 862
 (ii) Sri Ratan Mukherjee, T. C. 360
 (iii) Sri Byomkesh Chatterjee, T. C. 337
 (iv) Sri Nity Roy, T. C. 71
 (v) Sri Ajit Chakraborty, T. C. 841.
 3A, Saha Dock Road, Calcutta-22.

APPEARANCES

- Shri K. B. Bose, Counsel, P. B. Ghose, Advocate, assisted by Shri D. S. Bose and Shri M. P. Bhattacharya, for both the employers' associations
 Shri Janaki Mukherjee, General Secretary, National Union of Dock Labour
 Shri Prabhat Sen, Secretary, and Miss Sudha Roy, President of the Dock Mazdoor Union
 Shri P. K. Ganguli, General Secretary, Calcutta Dockers' Union.
 Shri S. K. Acharya, Counsel and M. Roy, Advocate, for the five authorised Tally Clerks.

AWARD

The Government of India, Ministry of Labour and Employment, published, under section 10A(3) of the Industrial Disputes Act, 1947, an order dated 14th February 1962 in the Gazette of India, Extraordinary, Part II, Section 3, Sub-sec. (ii) of the same date, setting out an agreement between the above-mentioned parties agreeing to refer under section 10A(1) of the Industrial Disputes Act, 1947, to my arbitration the industrial dispute between the employers of the registered dock workers represented by the Master Stevedores' Association, and the Calcutta Stevedores' Association, and the registered tally clerks, as defined in the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, represented by the National Union of Dock Labour, the Dock Mazdoor Union, the Calcutta Dockers' Union, five authorised tally clerks, viz., Sarvashri Bhabesh Datta, Bablu Mukherjee, Byomkesh Chatterjee, Nelay Roy and Ajit Chakraborty. The specific matters referred to in the agreement are:

- (a) Wage rates of Tally Clerks registered under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956.
 (b) Ratio of relief of those Tally Clerks.

2. Statements of claims have been filed by the above-mentioned employees' representatives and a common written statement in reply by the two employers' associations. When the matter came up for hearing, Shri D. Ganguli, Joint Secretary, Calcutta Port & Dock Workers' Union, and Shri R. C. Dandapat, Assistant Secretary, Shipping Employees' Union, wanted to appear for the tally clerks. Their appearance was objected to by the employers' associations and also by the Dock Mazdoor Union. They submitted that the reference has not been signed by these unions, that in order that there should be no dispute about proper representation, a meeting of tally clerks was convened by the Dock Labour Board at which the five representatives mentioned above were unanimously elected to represent the tally clerks concerned in the dispute, and that in the circumstances the Tribunal should not allow the Unions to appear. I may also mention that no application has been filed under the signature of tally clerks that they want their case to be represented by these two Unions. In view of all these circumstances, I ruled that these two Unions were not entitled to appear for the tally clerks in this proceeding.

3. In the statement of claim filed by the National Union of Dock Labour, it is stated, *inter alia*, as follows: The workmen involved in this dispute are registered with the Dock Labour Board under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956. They deal with major portion of the cargoes landed in one of the biggest ports in Asia. While the Calcutta Dock Labour Board (hereinafter referred to in the Award as the Board), has increased the monthly wages of other workers in 1953 and 1955, the wages of tally clerks have not been increased. They are paid Rs. 6.31 nP. for the day shift and Rs. 7.31 nP. for the afternoon and night shifts, and these wages have been prevalent for 12 years. The duties of tally clerks are strenuous and responsible, yet they are paid at a lower rate than salt tally clerks employed in connection with discharge of salt, who got Rs. 8.50 nP. for day shift and Rs. 9.51 nP. for night shift. The tally clerks have to run up and down the ship's hold, deck, quay-line and overside boats on stream and mostly by pilot ladders which entails heavy physical strain and expose them to the risk of life. They are paid much less than the deck foremen and the hatch foremen and sirdars. Even the lowest category of unskilled workers in a monthly gang (Rollia No. III) gets Rs. 150/- per month as against the tally clerk's monthly earning of about Rs. 156/-. The tally clerks should get Rs. 11/- for the day shift and Rs. 12/- for the night shift which are the rates of wages for the deck foremen. The tally clerks' work is not less responsible than that of deck foremen. The work of tally clerks involves great skill as they have to ensure correct and prompt delivery of cargoes. The port of Calcutta handles greater variety of cargo than any other port and so the work of tally clerks involves greater skill than the work of tally clerks in other ports. Shipping companies pay at Rs. 8.44 nP. per day and Rs. 2/- per night to their tally clerks. The plight of the tally clerks concerned in this dispute was aggravated by the reduction in ratio from 3:1 (which was decided upon when a dispute arose, through the intervention of the Chief Minister of Bengal in 1955) to 8:1. The relief of 3:1 should be restored. The stevedoring firms have been making huge profits as a result of efficient performance of work by dock workers including tally clerks.

4. The Dock Mazdoor Union has, in addition to the same points brought out by the National Union of Dock Labour, stressed the following points. The rates received by stevedores from the shipping agents on account of tally are such that stevedores make substantial profit, and the profit would still be substantial if the wage rates of tally clerks are increased. The cost of living in West Bengal and particularly in Calcutta has gone up since 1951. Wages of workers in other industries have been revised but the wages of tally clerks have long been unrevised. A registered tally clerk gets 21 days' wages and 9 days' attendance money, the total amount in a month being about Rs. 156-1-0 which is much below the living wage. As regards relief, the Union says that the tally clerks have to do their work standing and it is not possible to perform the duty with alertness and attention without proper relief.

5. The statement of claim of the Calcutta Dockers' Union and the five authorised tally clerks are along the same lines.

6. The stevedores associations have in their written statement stated, *inter alia*, as follows: Under the provisions of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, the Board is the authority to fix wages and so there is no scope for a dispute to be decided by arbitration, between the registered tally clerks and the stevedores and there is no relationship of employer and employee and so there can be no industrial dispute within the definition under the Industrial Disputes Act. Without prejudice to this contention the associations say that formerly tallying was done by shipping companies as also by stevedores. They had some monthly paid men and some daily paid men from the roster of casual workers maintained by the respective stevedores. It was not possible to give employment to so many men and there are too many men moving round for employment. At present stevedores employ a certain number of monthly paid workers and when they need more workers they send requisition to the Board which supplies men from the registered tally clerks. The registered tally clerks get wages as follows:

	Basic	D.A.	
Day Shift	3.06	3.25	} Plus Rs. 10/- p.m. as per Pay Commission recommendations.
Afternoon and night shift	4.06	3.25	

Besides, the stevedores have to pay a levy of 192½% to the Board for its expenses and for giving amenities to these workers. The associations do not admit the correctness of the figures of the wages of tally clerks of shipping companies. Moreover the terms and conditions of employment of tally clerks employed by

steamer companies and shipping agents are entirely different as also is the nature of business of the shipping companies. The work of the tally clerks is of a sub-clerical nature. Wages in all industrial and commercial employment of sub-clerical staff are less than the minimum wages of the regular clerical staff. The present earnings of tally clerks compare favourably with those of their counterparts in other industries in the region. In the major port of Bombay tally clerks get Rs. 5.63 nP. per shift and in Madras Rs. 5/- per shift. In giving any increase the additional expenditure on account of levy would have to be taken into consideration. The levy is for the benefit of tally clerks and meets the expenditure of decasualisation, minimum guaranteed wage and other advantages received from the Board. The guaranteed income of Rs. 156.06 nP. is adequate in view of the Chaudhuri Report and conditions of the industry in Calcutta. If 192½% is added to Rs. 156.06 nP. it would be more economical to have permanent men. Due to the number of tally clerks being far in excess of requirements as contemplated in clause 7(a) of the Scheme, the quantum of employment has been about 15 days in a month, although they enjoy the benefit of a minimum guaranteed wage for 21 days in addition to extra wages for holidays, etc. Tally clerks of the salt section have different kind of work. The associations deny that the work of tally clerks involves special skill. In experienced persons with little academic qualifications can do the work, and there can be no comparison between the work of tally clerk and the hatch foreman or the deck foreman. The Board recently passed a resolution for promoting tally clerks to hatch foreman as and when a vacancy arises. So it is evident that the work of hatch foreman is considered superior. The present day cost of tally is already prohibitive and any further increase will possible mean the stoppage of tally work which would entail hardship and loss of earnings to the workmen concerned in this dispute. A possible solution of the present dispute may be the reduction of the number of registrations by the Board. As regards the ratio of relief the associations say that the relief provided is enough. Finally the associations submit that the demands should be rejected.

7. I shall first deal with the points of law urged by the stevedores associations as a bar to the demands. The contention in the written statement that the Arbitrator has no powers to grant the demands or the relief asked for, as these are matters for the Board, has no substance and was not pressed at the hearing. This is an industrial dispute referred to arbitration through the intervention of the Dock Labour Board and while the Dock Labour Board has under the Scheme powers to fix wages and rates of relief, it would have to give effect to the decision of a Tribunal or Arbitrator having authority under the Industrial Disputes Act to adjudicate on the dispute. The contention that of the Board are the employers and not the stevedore, taken in the written statement was pressed at the hearing, but it is misconceived. Registered stevedore workers including tally clerks are under the dual control of the Board as well as the stevedores under whom they work for the time being and to whose orders they are subject as to the duty to be performed on the ship and the mode of performing it. [See clause 37(5) of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956]. In the agreement between the parties referring the dispute to my arbitration it is stated:

"The parties involved are the Employers of registered Dock Workers and the registered Tally Clerks as defined in the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956. The Employers are represented by 2 Associations viz., The Master Stevedores Association and the Calcutta Stevedores' Association."

The stevedore associations on behalf of their members have signed the agreement as "representing employers" Clause 7 of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, lays down, *inter alia*, that the Board may take measures for regulating the recruitment and entry into and discharge from the Scheme of dock workers and the allocation of registered dock workers in the reserve pool to registered employees. Clause 11 states, *inter alia*, that the Administrative Body of the Board shall be responsible for the maintenance of the Scheme, and for—

"the payment as agent of the registered employer to each daily worker of all earnings properly due to the worker from the employer and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme."

It is, therefore, evident that the stevedores are in the position of employers of tally clerks and the Arbitrator has power to make an Award on the subject matters referred to in the agreement.

8. It will be convenient at this stage to refer to the arguments advanced at the hearing in support of and against the demands. Needless to say, only those arguments have validity which are supported by facts or evidence. On behalf of the workmen it is urged that though the existing wages of tally clerks are higher than in Bombay, the work is different from that of tally clerks in Bombay, since in Bombay most imports are bulk imports while in Calcutta they are of general merchandise, and in Bombay there is more import cargo than export cargo while it is *vice versa* in Calcutta. Reliance is placed in this connection on paragraphs 56—61 at pages 22 to 24 of the Chaudhuri Committee Report, wherein the pattern of trade in the major ports is dealt with and it is stated that as between Bombay and Calcutta, the latter handles, proportionately, a much larger share of exports. It is argued that handling of export goods takes more time than unloading of cargo from ships, and the work is harder and involves greater responsibility. In Calcutta a large quantity of goods has to be unloaded into barges. There is also considerable export cargo loaded from barges into ships. The port handles more general cargo. In comparing the work of the tally clerks under reference to the Port tally clerks, it is pointed out that the Port Trust tally clerks have to work in sheds and are provided with a table and chair, while the tally clerks in the stevedores have no place to sit and have to work in the atmosphere of the hatches, on docks, etc. It is further urged that these tally clerks have to wait long, at the call time, for about 3 and sometime 4 hours. They have to walk a considerable distance from the silo yard to the place of duty. The work is responsible, for if there is wrong tally damage has to be paid by the exporter or the importer to the shipping company or *vice versa*. As regards the contention of the stevedores about excessive number of tally clerks resulting in a very high levy, the Union argue that in the first place the levy does not come out of the pockets of the stevedores but out of the shipping companies; that the levy is artificial and can be merged with the general levy; secondly that some of the stevedores engage unregistered tally clerks, and thus artificially reduce the available work for registered tally clerks. If the ratio of relief is restored to 3:1 there would be more bookings for the tally clerks. At present only 60% of the cargo is tallied and if a greater percentage is tallied there would be more work and earnings for the tally clerks. In support of the argument about the importance of tally work and that the work is of the same responsibility as that of the tally clerk employed by the shipping companies and by the Port Trust, reliance is placed on the following extract from the Vasist Committee Report [Report of the Dock Workers (Regulation of Employment) Enquiry Committee, 1955], wherein it is observed at paragraph 1211, p. 163:

"It is understood that some of the Shipping Companies get the tallying work done by their permanent employees and that some Stevedores also employ permanent staff for this purpose. In their evidence the Shipping Companies stated that a Tally Clerk's work is important and has to be accurate and the clerk should be in their confidence. The Shipping Companies, therefore, should be free to depute their trusted permanent employees for this work. The representatives of Master Stevedores Association also put forward the same view. In view of what has been stated in paragraph 1203, there should be no objection to the Shipping Companies and the Stevedores employing their permanent staff for this purpose."

9. On behalf of the workmen it is further urged that the stevedores get 7 annas 3 pies per ton for tallying. The average output per hook per gang is over 22 tons in 7 hours. In 8 hours it would be more. Sometimes hooks work double slings with 2 or 3 gangs and the output increases while the tally work is only one at that hatch. The tally clerk has no chance of promotion and mostly remains a tally clerk all his life. Reliance is also placed on the recommendations of the Fifteenth Labour Conference regarding the minimum wage and it is urged that the existing wage of tally clerks is not even a subsistence wage.

10. In the arguments advanced for the stevedores, emphasis is laid on the following points. The wage rates are already higher than in Bombay and Madras. The work of tallying is not different in the different ports, and so whether the major portion of cargo is import or export cargo does not matter. In Calcutta there are types of cargo which obviously do not need tallying e.g. coal, iron ore, manganese ore. There are also bulk imports like sulphur, food-stuffs which do not require tally. Aluminium and copper ingots do not require tally. Tallying is not a statutory obligation. It depends on the discretion of the shipping companies. Formerly there was a suggestion of joint tally with the tally maintained by the Port Commissioners but the Port Commissioners do not want it. Some shipping companies probably find tally more expensive and would rather pay occasional damages than be burdened with recurrent tally

expenditure. The levy for tally clerks is separate perhaps because there is an excessive number of tally clerks and employment is, therefore, low. Formerly, before the decasualisation scheme came into force, one or more tally clerks worked in 2 or even 3 shifts till the ship's work was finished, and so the ratio of relief was more. At that time there was no question of levy or of minimum guarantee. Formerly each tally clerk or group of tally clerks offered services to stevedores who engaged them on a daily basis and stevedores engaged them according to requirements. The levy has gone up from 127½% in August 1961 to 192½% at present. If employment were to go up this levy would go down. In Bombay Port the total compliment of tally clerks is proportionately much smaller and so there is work for more days in a month. The existing daily wage rates are fair and compare favourably not only with the wages of tally clerks in Bombay and Madras, but with categories of clerks of similar grade in the jute mills, cotton mills and other industries. The ratio of relief is reasonable and is the same as in Bombay Port.

11. I shall now refer to some of the important exhibits filed with the pleadings. The parties agreed at the hearing that they may be taken into consideration. I shall later refer to the exhibits filed during the hearing and the oral evidence led at the hearing. They are filed on behalf of the workmen (a) statements of wages of monthly rated tally clerks employed by shipping companies showing that they are much higher than the total monthly wages of the workmen concerned in this reference, (b) proceedings of meetings of the Board on various dates regarding pay and relief of tally clerks. At the meeting on 18th September 1961 a proposal to give an increase in wage to tally clerks of Re. 1/- per shift and a further proposal for restoration of relief of 3:1 were rejected by majority of 5 against 4. Then by the same majority a proposal to refer the matter to arbitration was adopted, (c) an exhibit giving wage rates of other categories of workers registered by the Board, (d) Standing Order giving duties of tally clerks. The Stevedores Associations have filed an exhibit giving the totality of service conditions of tally clerks. They include (1) a minimum guarantee of 21 days' wages in a month, (2) attendance allowance for those days on which they attend but no work is given to them, of Rs. 1.50 nP. per day, (3) disappointment money at the rate of 75 nP. when they are booked but on reporting for work no work is found, (4) Particulars of privilege, sick and casual leave, with pay, (5) particulars of injury leave, (6) 19 holidays in a year including 5 closed holidays on full pay, (7) weekly off with pay if work given on 6 previous days, (8) provident fund at the rate of 8 1/3%. It was stated at the hearing that this 8 1/3% is on Rs. 125/- out of the wages, (9) retirement benefit at the rate of Rs. 2000/-, (10) certain travelling concessions in alternate years, (11) hospital facilities for them (these facilities are not available for their families).

12. I now refer to the exhibits filed during the hearing. On behalf of the workmen the following exhibits were filed. Ex. 1 contains the standing orders relating to tally clerks. Ex. 2 gives comparative rates of wages of other categories of workers in Calcutta, Madras and Bombay to show that in Calcutta the rates are higher all round. This is to meet the argument of the Stevedores Associations that the existing daily wage of tally clerks is higher than in Bombay and Madras. Ex. 3 shows how the strength of tally clerks in the pool came to be fixed (The number is now 852). This exhibit contains minutes of the meeting of the Board on 18th July 1957. The strength was then fixed at 899. The tally clerks were registered from among those employed by shipping companies and shipping agents. The strength was fixed on the basis of 21 days' booking in a month and 25% leave reserve. The employers' representatives were of the view that the leave reserve should be 15%. It was conceded at the hearing that the actual booking has averaged 15.5 instead of 21. Ex. 6 gives the stevedoring rates for various cargo fixed in 1955 for tally clerks. It is "4 annas per manifested freight tons which is inclusive of overtime, in addition an amount of -/3/3 per ton is charged in respect of dearness allowance." Ex. 7 contains papers relating to a complaint by a deck foreman that unregistered tally clerks were employed by a certain stevedore on certain dates in April 1962. This and another exhibit (Ex. 9) have been produced to support the contention of the tally clerks that the work of tallying is sufficient to provide more work for the registered tally clerks than the existing average of 15 days in a month, but that some stevedore employers employ unregistered casual workers to do tally on a lower wage than the existing wage, and thus they exploit the existing unemployment situation. Here it may be stated that it is not permissible to employ unregistered casual workers on daily wage as tally clerks, though the employment by a stevedore of permanent tally clerks on a monthly basis is permitted and some stevedores have such monthly paid workers. Ex. 10 contains entries from the Log Book of the Board (called for at the hearing on an application filed on behalf

of the tally clerks). They show that on some dates in October 1959 investigations were made by the Board Inspector on complaints that unregistered workers were engaged by certain stevedores on daily basis for tallying and that the complaints were borne out by the enquiry made. Ex. 8 gives the minutes of the meeting of the Board on 30th October 1957. In it, it is stated that certain points relating to recruitment of tally clerks were brought to the notice of the members. Some of them were as follows: The strength of 899 was fixed provisionally on the estimate of requirements on the basis of booking figures supplied by the stevedores and shipping companies; the intention was that there would be an upward revision, if necessary. Other minutes of the meeting relate to the question of the training of tally clerks, etc., under the piece rate system which was expected to be introduced.

13. I now refer to some of the exhibits filed by the Stevedore Associations during the hearing. Ex. A relates to the wage rates and conditions of service of monthly rated tally clerks employed by Lionel Edwards (Private) Ltd. This is to contradict some of the particulars given in an exhibit filed by one of the Unions giving the wage rates in other companies including Lionel Edwards. Ex. C gives the average employment of tally clerks and other unregistered workers in different years, the number of ships worked, and the cargo handled. Ex. D gives the minutes of the meeting of the Board held on 3rd May 1957. It gives the circumstances in which the ratio of relief at 8:1 was fixed. It is necessary to quote the minute in full,—

"81. The employers representatives pointed out tally clerks before coming under the scheme were employed in the following manner. A certain number of tally clerks were employed for the entire vessel. Some of them worked for about four or five hours, then went home, had their food and rest and came back after four or five hours during which time another batch of tally clerks worked. Then the first batch took over and a second batch went home, and so on. A large number of relieving tally clerks was necessary when the system of work was of this nature. After registration by the Board, the tally clerks were only required to work for one shift i.e. 8 hours in every twenty four hours. Hence the question of relief in the ratio as per previous practice should not be continued. Further more in their opinion, relief at the rate of 8:1 as proposed by Sri Roggar was quite sufficient as calculated in terms of man hours each tally clerk on this basis was to put in 79th hours of work in a shift of 8 hours. If they were still given relief in the ratio of 3:1, it would in effect mean that 4 tally clerks would put in work equivalent to $8 \times 3 = 24$ man hours work in one shift, in other words every man would actually work for six hours and idle for two hours in a shift of 8 hours.

82. The labour representatives laid emphasis on the fact that reduction in the number of relief would eventually mean less employment for the middle class people which form the bulk of the tally clerks.

Resolution No. 17.

Resolved that with immediate effect and for every vessel one relieving clerk for a group of 8 tally clerks or less, 2 for a group of 9 to 16 tally clerks and 3 for groups in excess of 16 clerks be provided."

This shows that the change of relief ratio to 8:1 was justified by the change of circumstances.

14. It will be convenient to deal here with the oral evidence. On behalf of the tally clerks several witnesses have been examined. The Calcutta Dockers' Union examined Shri Nitlinda Palit, a salt tally clerk, to prove that the work of salt tally clerk, who gets Rs. 8/- per day and Rs. 9/- for the night shift, is similar. The witness has stated that he gets work for 12 or 13 days in a month, and that in February 1962 he got work for 12 or 13 days in March for 2 days as he was ill, and in April for 13 days. This statement is false as the record of the Dock Labour Board, the correctness of which is not disputed, shows that the witness did not attend at all in February, March and April 1962. The witness could not be cross-examined on this record as the record was received when the witness was not available. The record also shows that the average number of booking for salt tally clerks is 6 (See Ex. G furnished by the Board). It is also not disputed that the salt tally clerks have no guaranteed minimum booking days nor the benefits of provident fund, leave facilities, attendance money, medical facilities etc. In

the course of the arguments it was conceded by the Unions that the case of the salt tally clerks presents no analogy in support of the workmen's case, and Shri Ganguli, the General Secretary of the Calcutta Dockers' Union, expressed regret that Shri N. Palit has unnecessarily given false evidence.

15. Shri Rabin Mukherjee, one of the 5 elected representatives of tally clerks has given evidence. He has stated that before he was registered by the Board he worked as tally clerk to Messrs. Hoare Miller & Co. for 9 years. At that time his earnings, were over Rs. 300/- per month. He produced his diary in support of this. Daily pay was the same as now. But he used to work on 2 or 3 shifts at a stretch. The ratio of relief was 2:1 in his company. There was no month in which he was without work. In cross-examination he stated that if there was no ship the tally clerks of that company used to be paid at first Rs. 40/- per month, later increased to Rs. 50/-. In July and August 1955, there was no vessel for him and he got Rs. 40/-. The minimum that he earned in the years from 1952 onwards till he was registered was Rs. 168/- in November 1955. He joined the Board as the Board informed the company that unless it made casual labour permanent, the casual workers should be registered with the Board. Messrs. Hoare Miller & Co. could not make him permanent and so the company was compelled to register him. In reply to a question by the Arbitrator, he stated,

"I have to wait at the call stand for 3 to 4 hours, as I have to attend at 1 p.m. and have to wait there sometimes till 5 or 5-30. If I get a booking for the 3-30 shift or 10-30 shift then I need not wait till 5 or 5-30. I have to wait till 5 or 5-30 for next day's booking and attendance."

The witness has also stated that on certain occasions he saw unauthorised persons doing tallying.

16. Shri B. Chatterji, a registered tally clerk, has been examined by the Dock Mazdoor Union. He has stated that before he was registered by the Board, he was tally clerk for some time to P. Mukherji & Co., and for some time to S. L. Bannerjee & Co. He has stated that the rate of relief in 1951 was 6:1 and his approximate monthly earning was Rs. 158/-; that he worked two shifts and sometimes three in a day. He has further given evidence that he has to wait at the call stand for 2½ or 3 hours for his booking. The last witness for the tally clerks is Shri P. K. Bose, a deck foreman. He has been examined to show that he made several complaints to the Dock Labour Board regarding unauthorised tally clerks being employed by certain stevedores. One complaint relates to 17th April 1962 on which night the witness reported to the Personnel Officer of the Board that two unauthorised tally clerks were employed. The other three complaints relate to 23rd April 1962 on which date the witness complained that in two vessels heavy goods were discharged but no tallying was done and this was against the rules. Copies of the complaints have been produced (Ex. 7). The witness has given evidence on other points also. He has described the duties of the hatch foreman and the deck foreman. He has stated that comparison cannot be made between the work of the deck foreman and the hatch foreman and the work of tally clerk, as the work is quite different; that the work of a deck foreman is much more responsible than that of a tally clerk and it takes at least six months to one year to learn the work of deck foreman.

17. Towards the close of the hearing the parties filed a purshis which is as follows:

"We the parties do hereby agree that for the purpose of proper adjudication and effective determination of the dispute under reference, the Learned Arbitrator will be at liberty to call for and consider any documents, date or records either from the Bombay Dock Labour Board or Calcutta Dock Labour Board or any other authority which he thinks fit and proper and no further hearing need be given to the parties before giving the award."

I requested Shri K. K. Mehta, the Secretary, Dock Labour Board, to furnish the particulars of the earnings, number of days' work in a month, and other comparative particulars in regard to tally clerks in Bombay Port and if information is available, of other ports also. He has been good enough to furnish the necessary information of which I give below an extract, [Ex. 1 (Court)].

Comparative statement of wages of tally clerks.

Port	Tally Clerks		Tally clerks of Port Authorities (Jeejeebhoy Committee)				General Remarks	
	Daily	Monthly						
Bombay	Rs. 5.63 per day	Basic wage	Rs. 75.00	Basic salary	Rs. 60.00	No. of tally clerks		
	(basic Rs. 3.50)	D.P.	45.00	D.P.	25.00		Daily	Monthly
	(D.P. Rs. 1.75)	D.A.	10.00	D.A.	35.00	193	300	
	(D. A. Rs. 0.38)	TOTAL	130.00	House Rent Allowance	15.00	Average employment per month		
				Compensatory allowance	12.50	in 60/61		28.1 days
	Rs. 5.63	In the grade of Rs.		TOTAL	147.50	Average earnings per month		Rs. 177.71
		75—5—125—7½—140				in 60/61		
		Minimum in the scale	Rs. 130	In the grade of Rs. 60—4—120—				
		Maximum	Rs. 200	E.B.—5—150.				
				Minimum in the scale	Rs. 147.50			
				Maximum in the scale	Rs. 250.00			
Madras	Rs. 5.19	Rs.				No. of tally clerks		
	Basic	3.35				Pool	Monthly	
	D.P.	1.65		as above				
	D.A.	0.19				116		
		5.19				Average employment in 60/61 per month 24 days.		
						Average earnings in 60/61 per month Rs. 109.60.		

From the above it is seen that the average employment of the registered daily paid tally clerks in Bombay is 28.1 and in Madras 24 days, as against about 15.5 in Calcutta. Thus, though the tally clerk in Bombay is paid at a lower daily wage, his total earnings are higher than his counter-part in Calcutta. In Bombay the number of registered tally clerks is smaller and naturally, therefore, there is booking for many more days in a month.

18. It will be convenient at this stage to refer to certain extracts from official reports relied on by the parties as supporting their case. Reliance is placed by the Stevedores' Associations on paragraph 55 of the report of the single member Inquiry Committee (Shri R. L. Mehta), which made its report in October 1959. In it, it is stated at para 55,

"55. The fact is that in Calcutta the Board has not been able to run the Scheme effectively. To begin with it has not yet put its own house in order—its accounts are badly in arrears, the stevedores owe it a lot of money to collect which no steps have been taken though the Scheme provides them. Financially the Board is in a perpetual state of crisis. That is why the rate of levy fluctuates frequently and violently. No stabilisation fund has been built up to keep the levy down in bad times. There is no control on the register of workers. In the beginning far too many persons were put on it. Since then no systematic assessment of anticipated labour requirements based on long-term trade prospects affecting exports and imports as well as short-term fluctuations in trade and normal seasonable variation has been made.

Once only a forward-looking step was taken. Unfortunately it proved a wrong step and the Board is still paying for it. In July 1957, the number of tally clerks was increased from 270 to 899. It was expected that more of them would be required when the piece-rate scheme came in. The piece-rate scheme has not yet come. In the meantime the levy on tally clerks has jumped from 35 per cent to 190 per cent. There is no enough work and the Board has to bear the heavy cost of paying them minimum guarantee and attendance allowance."

At the hearing, however, it was conceded by both sides that though at present the average booking is 15.5 days in a month, it is not feasible to retrench any of the registered tally clerks, and that though the Board has powers to revise the strength, it would cause great hardship if any of the registered tally clerks are thrown out of employment. On behalf of the tally clerks it was suggested that employment could be increased if (a) more cargo is tallied than at present, that at present only 60% of the cargo is tallied; (b) the practice of unregistered tally is stopped. As regards (a) shipping companies cannot be compelled to tally goods which do not require tally. Goods like ingots, bulk imports like sulphur and foodstuffs, export cargo like coal etc. do not require tally. As regards (b) it does appear from the oral and documentary evidence adduced in this case that there have been a number of cases of unregistered tally clerks being employed on a daily basis. To what extent this is going on cannot be definitely stated. If strict steps are taken by the Administrative Board to stop the practice, there may be a slight increase in the number of booking days for the tally clerks, but it does not appear that in the near future there will be any marked increase in the average number of days' booking for the registered tally clerks in the Calcutta Docks. As and when the number of tally clerks becomes reduced by natural process viz., taking up other employment, retirement, etc. the number of booking days would increase, but in the near future there is not much prospect of any marked reduction in the number of tally clerks, or increase in the average number of booking days in a month.

19. Reliance is placed by the Stevedore Associations on the paragraph 535 at page 96 of the Vasist Committee Report in which it is stated,—

"535. The employers and shipping interests at all the three Ports have complained that due to the decline in the productivity of dock workers the cost of handling cargo has gone up considerably. The cost is eventually borne by shipowners and their cost of handling includes expenditure on different items, such as, the salaries of their cargo superintendents, supervisory staff, tally clerks, hire of gear, Port Trust charges, crane charges and payments made to the stevedores, etc. etc. Different shipping companies have different methods of keeping accounts and the items included in the handling cost also vary from company to company. The main item affected by labour

productivity is the payment made to stevedores. The stevedoring charges paid by the shipping companies are intended to cover the direct labour costs incurred by the stevedores, stevedores' other expenses overheads and profits. In some cases special payments are made by the shipping companies to stevedores to compensate them for low output."

But in paragraph 540, it is state,

"540. The stevedoring cost constitutes a small proportion of the total transport costs which have to be incurred in respect of shipments. The following break-up of the total transport costs from the mine-head to the destination port, exclusive of the cost incurred there, of one ton of iron ore shipped to Japan through Calcutta Port by a chartered steamer will illustrate the point."

20. On behalf of the Stevedore Associations, reliance is also placed on the observations in paragraph 521 of the Vasist Committee Report in regard to the low output of stevedore workers in Calcutta. The observations have no particular reference to tally clerks. The output would depend much on how other workers in the pool do their duties. To show that the work of tally clerks does not require much education the employers rely on paragraph 15 at p. 82 of the Chaudhuri Committee Report in which it is stated,

"15. At the bottom of the hierarchy is the Tally Clerk. The work of tallying cargo is clerical in character, but there has been some difference of opinion as to whether the work of tallying, with its responsibilities, is equal only to that performed by a Lower Division Clerk who occupies the lowest position in the clerical cadre. The Central Pay Commission thought that the work did not require even a Matriculation qualification."

At the hearing it was stated on behalf of the tally clerks that out of 852 tally clerks about 200 are Matriculates and there are a few graduates.

21. Evidence has been led to show that tally clerks have to wait 3 and sometimes 4 hours for their booking. This is one of the factors that has to be taken into consideration in fixing the wages; for though the average booking is 15.5 days in a month the tally clerk has to attend every day to find out whether he gets a booking or not. If he does not, he cannot qualify for 21 days' minimum payment and for attendance money for the remaining days in the month. The evidence that tally clerks have to wait long for their booking is not contradicted and is supported by official reports also. In the Vasist Committee's Report, it is stated in paragraph 832, p. 123,

"832. At Calcutta the process of booking takes comparatively a longer time and it has been stated that a worker may have to wait for 3 to 4 hours to mark his attendance to become entitled to the attendance money. This is not satisfactory. The procedure should be overhauled with a view to reducing the period for which a worker has to wait to prove attendance to not more than an hour normally."

And further on in paragraph 1024 on page 147,

"The Dock Labour Boards, particularly the Dock Labour Board, Calcutta, should take steps to improve the organisation in regard to booking so that a worker is normally required to attend the Call Stand only once a day and has not to wait for more than an hour to get his attendance marked."

It does not appear that there is any improvement in the position since the Report was published, and I hope that more serious steps will be taken by the Administrative Board to carry out these recommendations.

22. In the course of the arguments reliance was placed on behalf of the tally clerks on the recommendations of the 15th Labour Conference regarding the minimum wage. Tribunals have not found it practicable to base their awards on the basis of these recommendations and in two of the major industries viz., cotton and sugar the Central Wage Boards have not found it feasible to recommend a wage structure on the basis of these recommendations. It would be all the more unrealistic to attempt to fix a wage on the basis of these recommendations in an industry where the average number of days' booking is 15.5 days in a month.

23. So far as the "levy" is concerned, it is not disputed that this is paid by the shipping companies. At the same time it has to be borne in mind that any

increase in the wage will cause a proportionate increase in the amount paid as "levy". The statement in the statements of claim that stevedore companies have been making substantial profits has not been denied in the written statement. The wage rate of tally clerks has remained stationary for over 10 years while the wages of other categories of registered workers have been revised. The cost of living has been gradually rising during these ten years, and there is no doubt that some increase in the wage rates to tally clerks is necessary; the rise that I am giving is quite within the capacity of the employers to pay. I cannot accede to the argument that the wages of tally clerks should be about that of deck foreman or hatch foreman. Their work is different and comparison is not possible. Even one of the witnesses for the tally clerks has admitted that there can be no comparison. The fact that monthly paid tally clerks of shipping companies get a much higher wage has not much relevance, for obvious reasons, in fixing a wage for registered tally clerks for whom, at present, work for more than 15.5 days in a month cannot be found. However, in fixing the wage the fact that they have to attend every day for a long time for their booking, that there are no avenues for promotion, the distances to be covered after booking, and the conditions in which they have to perform their work, are some of the factors to be taken into consideration and I have, in giving the increase which I propose to give, given due weight to all relevant factors, and have come to the conclusion that the basic wage of the tally clerk should be increased by one rupee per day. This will result in a substantial increase in earnings, and the earnings would go up further as and when the number of tally clerks goes down by natural causes such as retirements, etc. I hope that the increase that I am giving will be accepted by both parties as a long term arrangement. As stated above the increase which I am giving is within the capacity of the employers to pay.

24. I cannot grant the demand as regards the increase in the ratio of relief to tally clerks from 8:1 to 3:1. The ratio of relief was high in the days before registration, when tally clerks worked 2 or even 3 shifts in a day. The Unions have relied on the system of relief of 3:1 introduced in 1955 at the intervention of the Chief Minister of Bengal. But that was in 1955, while the present scheme came into force in 1957. In Bombay the ratio of relief is the same as that which prevails in Calcutta. I have already dealt with the evidence as to the circumstances in which the existing ratio was introduced. I am not satisfied that the existing ratio causes any undue strain on the tally clerks. The tally clerks get pauses in work between one sling and another, and neither the evidence led before me nor what was shown to me of the work of tally clerks on several ships includes me to think that the existing ratio of relief needs any alteration. It has also to be borne in mind that the tally clerks have about 15.5 days' work in a month for which they get 21 days' minimum wages, and attendance money for the remaining days in the month, and they should not complain if on the days on which they have to work with some intensity. But as a matter of fact the work is not of intensity, though the circumstance that much of the has mainly to be done standing is one of the factors to be taken into consideration. I am increasing the wage of the tally clerks substantially, and tally clerks should be prepared to give a fair day's work for a fair wage. I see no good reason for granting the demand that the ratio of relief should be altered to 3:1. The demand is rejected.

25. I direct that with effect from 1st June 1962 the existing basic wage of the registered tally clerks be increased by one rupee, i.e., from Rs. 3.06 to Rs. 4.06 for the day shift and from Rs. 4.06 to Rs. 5.06 for the second and third shifts.

BOMBAY;

The 17th May, 1962.

Sd./ M. R. MEHER,

Arbitrator.

[No. 28/9/62/L.R.IV.]

P. R. NAYAR, Under Secy.

New Delhi, the 29th May 1962

S.O. 1709.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Ib River Colliery and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD**

REFERENCE No. 81 of 1961

PARTIES:

Employers in relation to the Ib River Colliery

AND

Their workmen.

Dhanbad, dated the 21st May 1962

PRESENT:

Shri Salim M. Merchant, B.A.LLB., Presiding Officer.

APPEARANCES:

Shri S. S. Mukherjea Advocate, with Shri M. R. Banerjee, C.M.E.,—*for the employers.*

Shri Gulab Gupta, Officer, Indian National Mine Workers' Federation, with Shri K. N. Sahay—*for the workmen.*

STATE: Orissa.

INDUSTRY: Coal.

AWARD

The Central Government by the Ministry of Labour Employment's Order No. 2/340/60-LRII, dated 3rd November 1961 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947) was pleased to refer the industrial dispute between the parties above named in respect of the subject matters stated in the following schedule to the said order to me for adjudication.

SCHEDULE

"Whether the termination of the services of Dr. K. N. Sahay, Doctor of Ib River Colliery, Post Office Brajrajnagar, was justified. If not, to what relief he is entitled?"

2. At the hearing of this dispute at Dhanbad on 19th May 1962 after the parties had made their submissions, I suggested a basis for compromise which the parties accepted. The parties have filed a joint application recording the terms of settlement arrived at between them and have prayed that an award be made in terms thereof. A copy of the said joint application of the parties is annexed hereto and marked Annexure A, and shall form part of this award. As the terms of settlement are fair and reasonable, I make an award in terms thereof. No order as to costs.

Sd./- SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.

ANNEXURE A

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, DHANBAD**

REFERENCE No. 81 of 1962

Employers in relation to the Ib River Colliery

Versus

Their workmen

That without prejudice to their respective contentions and at the suggestion of this Tribunal, the parties have agreed as follows:—

1. That Dr. K. N. Sahay will be paid a lump sum of Rs. 1,250/- (twelve hundred fifty only) as *ex-gratia* payment in full and final settlement of his claim in the above reference.
2. That the Union does not press for the claim of reinstatement of Dr. K. N. Sahay.

3. That the above amount will be paid to Dr. K. N. Sahay within one month from the date of this compromise.

4. That the parties will bear their respective cost.

It is, therefore, prayed that the above compromise may be recorded and an award passed in terms thereof.

For workmen:

Sd./- GULAB GUPTA,
Officer,
Indian National Mine Workers'
Federation.

Sd./- K. N. SAHAY,
19-5-1962.

For Employers:

Sd./- S. S. MUKHERJEA,
Advocate.

Sd./- M. R. BANERJEE,
Chief Mining Engineer,
19-5-1962.

Before me.

Sd./- SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.

[No. 2/340/60-LRII.]

S.O. 1710.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Pure Golukdih Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA

Camp—Dhanbad.

REFERENCE No. 23 of 1962

PARTIES:

Employers in relation to the Pure Golukdih Colliery

AND

Their workmen.

PRESENT:

Shri L. P. Dave—*Presiding Officer*.

APPEARANCES:

For the Employers—

Shri S. S. Mukherjea, Advocate.

For the Workmen—

Shri Shankar Bose, Member, Central Executive Committee, Colliery
Mazdoor Sangh, Dhanbad.

STATE: Bihar.

INDUSTRY: Coal Mines.

AWARD

The Government of India, Ministry of Labour and Employment, by their Order No. 2/246/61-LRII, dated 3rd January 1962 as corrected by an order of even number dated 3rd March 1962, referred the industrial dispute existing between the employers in relation to the Pure Golukdih Colliery and their workmen in respect of the question whether the action of the Management of the Colliery in stopping Shri Jagadish Prosad Agarwalla, Surface in-charge from work with effect from 20th July, 1961 was justified and if not, to what relief he was entitled, for adjudication to this Tribunal.

When the matter came up for hearing before me to-day, the parties produced a memorandum of settlement arrived at between them, a copy of which is annexed herewith. The dispute relates to the stoppage of work of a workman named Shri Jagadish Prosad Agarwalla. Under the compromise, an *ex-gratia* payment of Rs. 1,500/- (Rupees fifteen hundred) is to be made to this workman and the claim for his re-instatement is not pressed. In my opinion, the compromise is fair and reasonable.

I therefore record the compromise and pass an award in terms thereof.

Sd./- L. P. DAVE,
Presiding Officer

The 19th May, 1962.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, CALCUTTA AT DHANBAD.

REFERENCE No. 23 OF 1962

Employers in relation to the Pure Golukdih Colliery

AND

Their workmen.

That without prejudice to the contentions of the parties the above matter has been settled amicably between the parties on following terms:—

1. that Shri Jagadish Prosad Agarwalla will be paid a lump sum of Rs. 1,500 (One thousand and five hundred) only as an *ex-gratia* payment within 7 days from date;
2. that the Union does not press the claim of re-instatement of Shri Jagadish Prosad Agarwalla;
3. that the parties will bear their own respective cost.

It is therefore humbly prayed that the above compromise may kindly be recorded and an Award passed in terms thereof.

For the workmen.

19-5-62,
Member, Central Executive
Committee, Colliery Mazdoor
Sangh.

Sd./- JAGADISH PROSAD AGARWALLA.

For Employer.

Sd/- S. S. MUKHERJEA.
Advocate.
19-5-62,

Sd./- RAMCHANDRA AGARWALLA,
Partner.

[No. 2/246/61-LRII.]

A. L. HANDA, Under Secy.